

Milton Police Department

*Monthly Report
To
Mayor & Town Council*



“Pride & Integrity”

April 21, – May 20, 2008

Respectfully Submitted By:

*William E. Phillips
Chief of Police*

MILTON POLICE DEPARTMENT

PRIDE



INTEGRITY

Chief William E. Phillips

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June 2, 2008

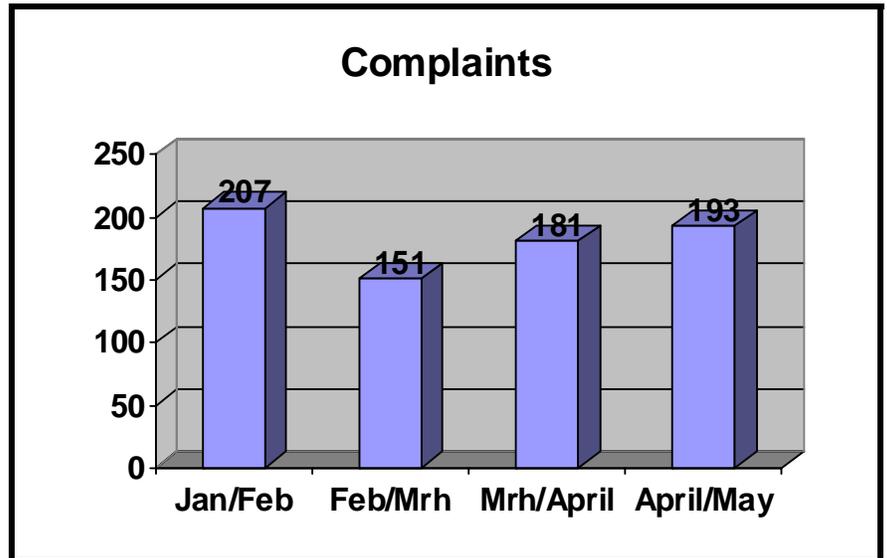
The Honorable Don Post, Mayor
Members of Milton Town Council
Town Hall
Milton, DE 19968

Mayor Post and Council Members:

The following is the report on police department activities from April 21 – May 20, 2008.

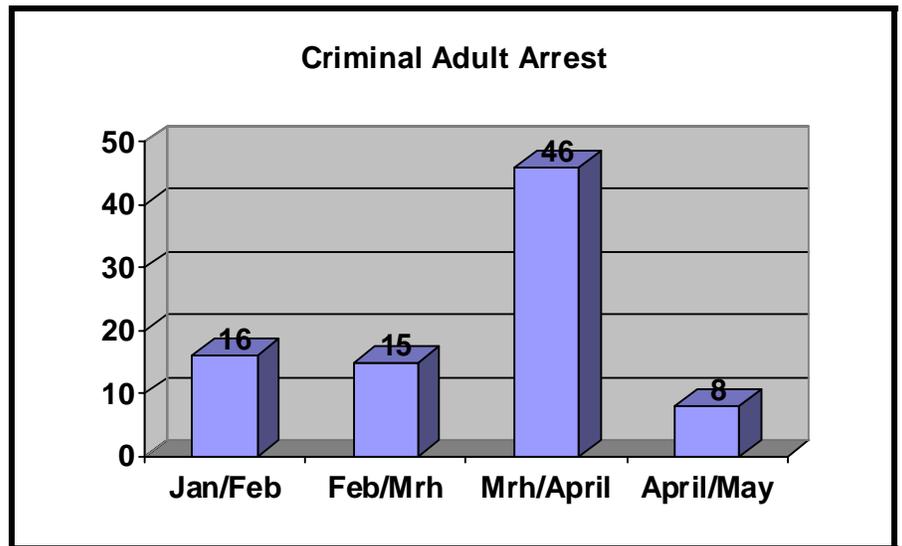
Complaints

Total complaints received from **April 21 – May 20, 2008** numbered 193.



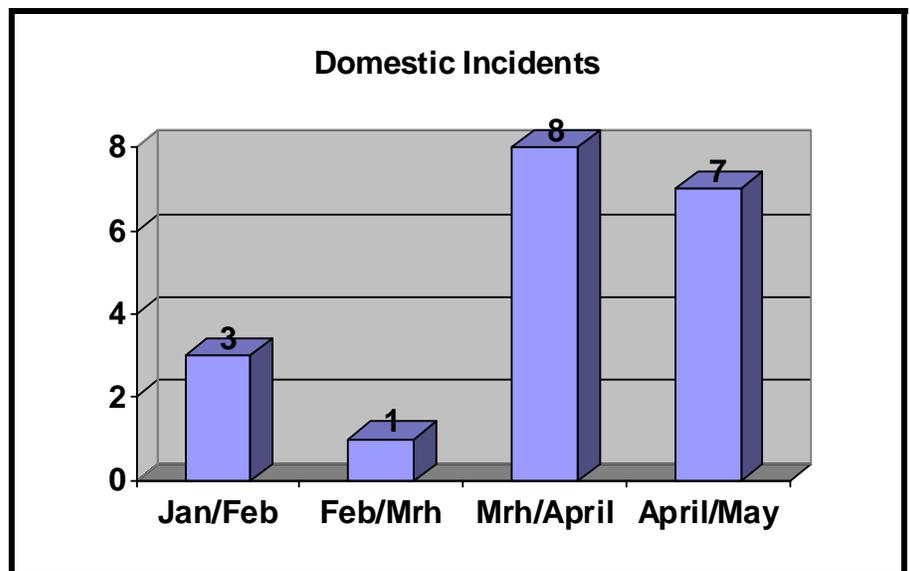
Criminal Arrests

Total criminal arrests from **April 21 – May 20, 2008** numbered 8.



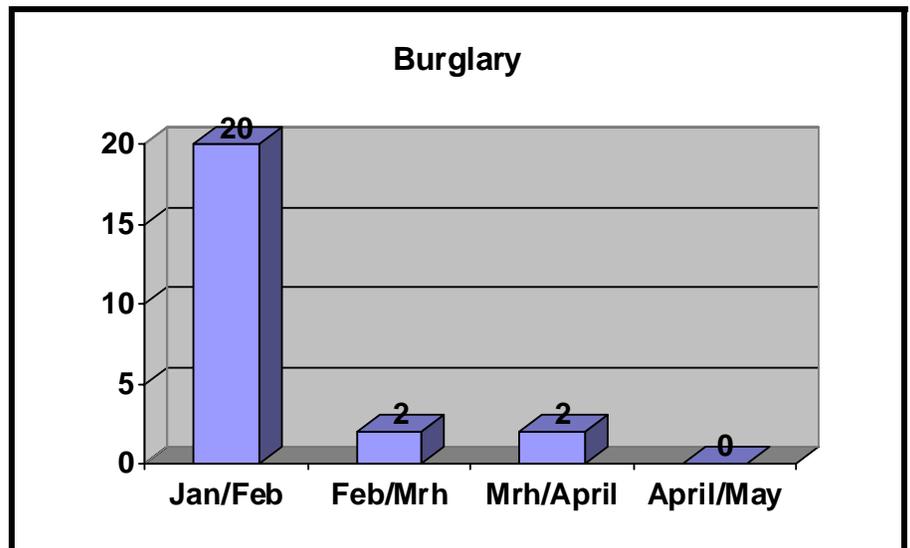
Domestic Incidents

Total domestic incidents from **April 21 – May 20, 2008** numbered 7.



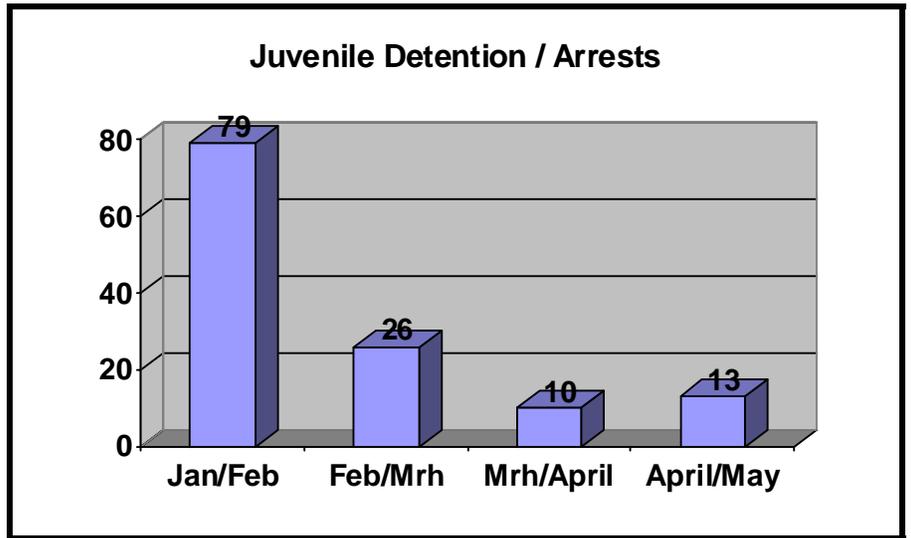
Burglary

Total Burglaries from **April 21 – May 20, 2008** numbered 0.



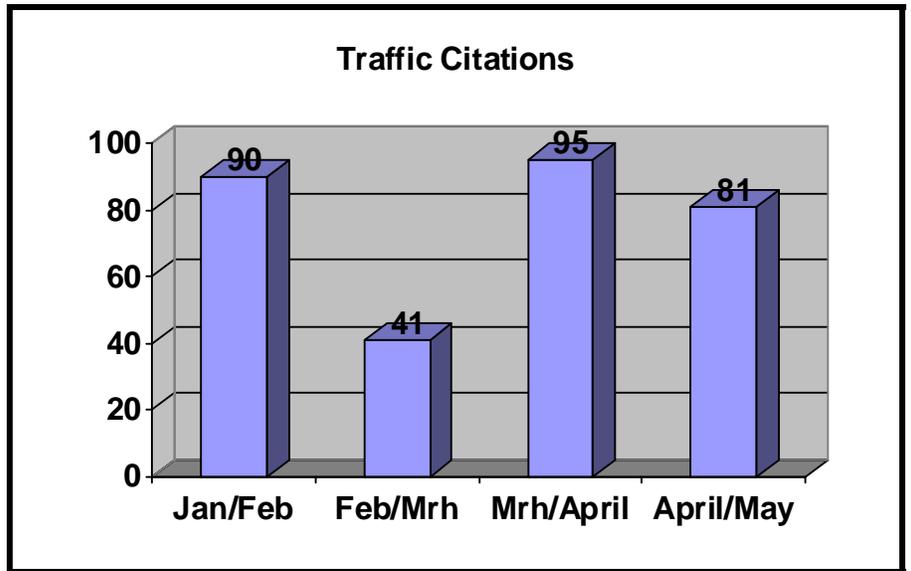
Juvenile Detention / Arrests

Total juvenile detention / criminal arrests from **April 21 – May 20, 2008** numbered 13.



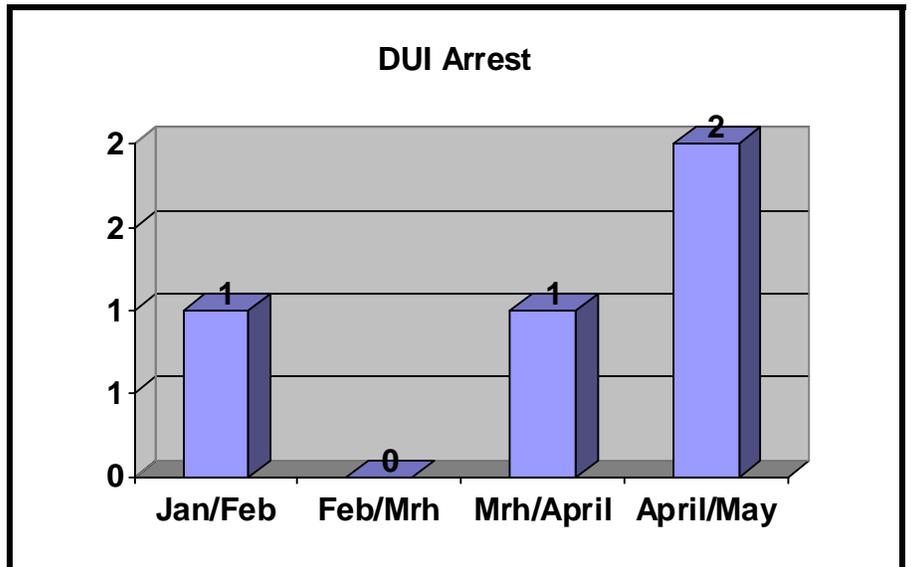
Traffic Citations

The department issued 81 traffic citations from **April 21 – May 20, 2008** numbered 81.



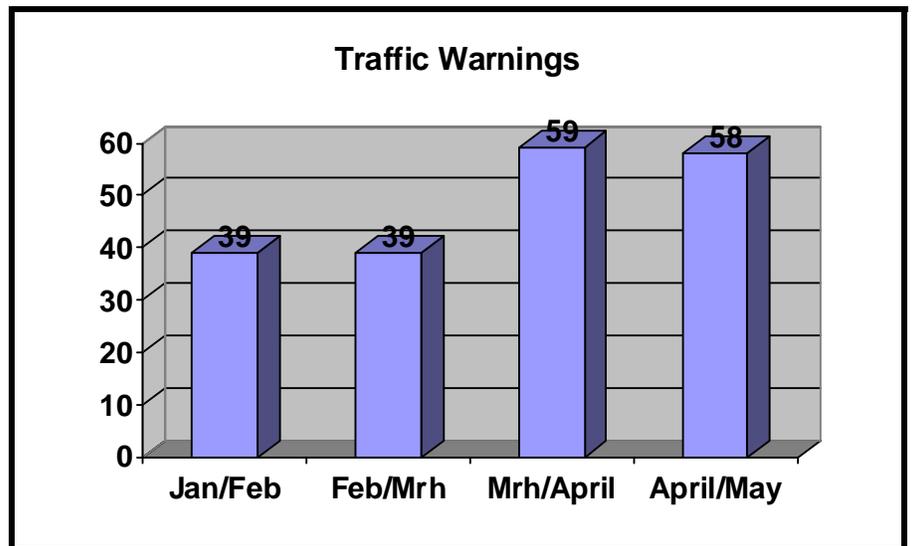
DUI Arrests

The department made 2 DUI arrests from **April 21 – May 20, 2008** numbered 2.



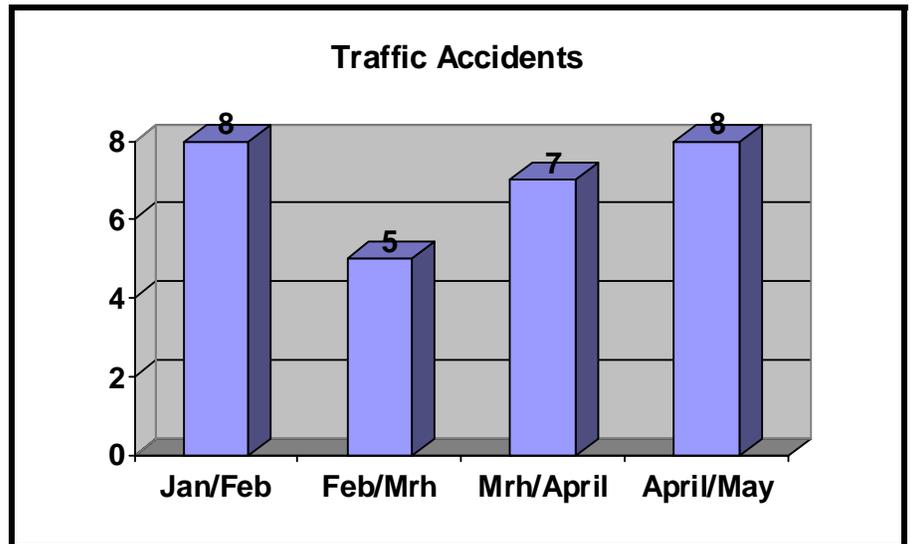
Traffic Warnings

The department issued 58 traffic warnings from **April 21 – May 20, 2008** number 58.



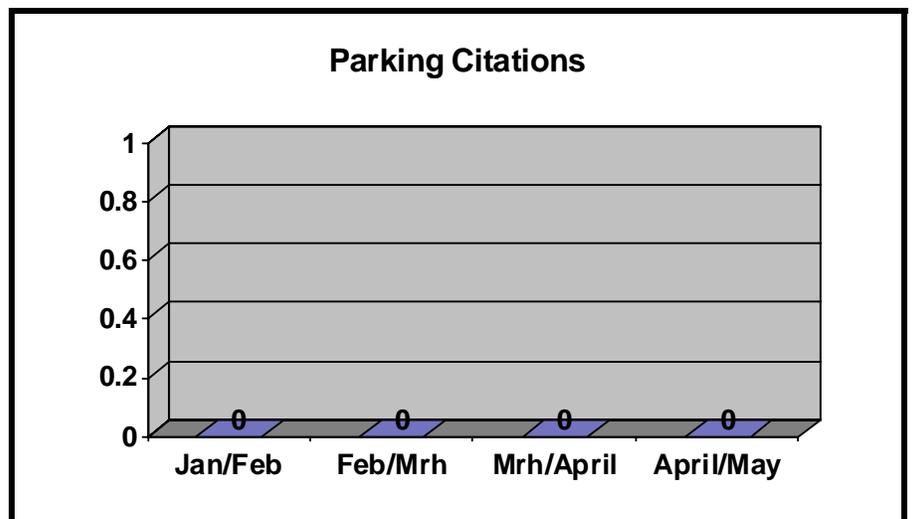
Traffic Accidents

From **April 21 – May 20, 2008** police investigated 8 traffic accidents.



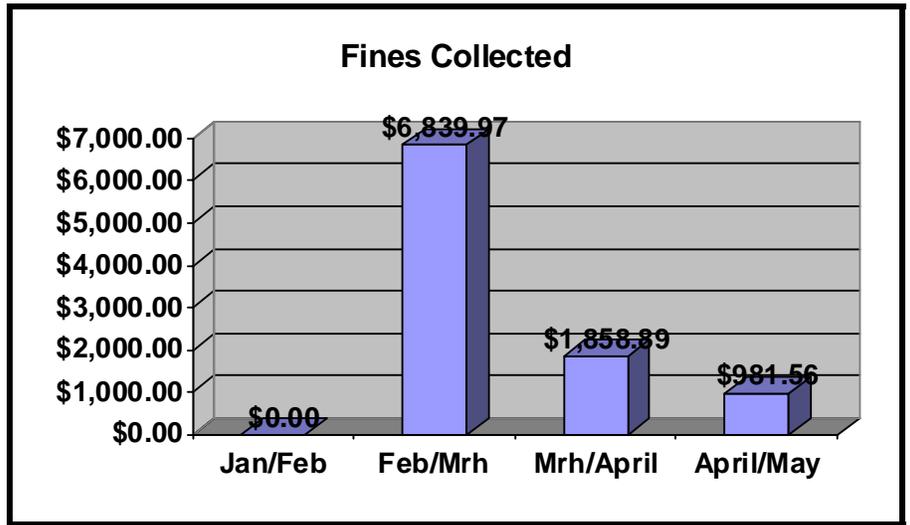
Parking Citations

The department issued 0 parking citations from **April 21 – May 20, 2008**.



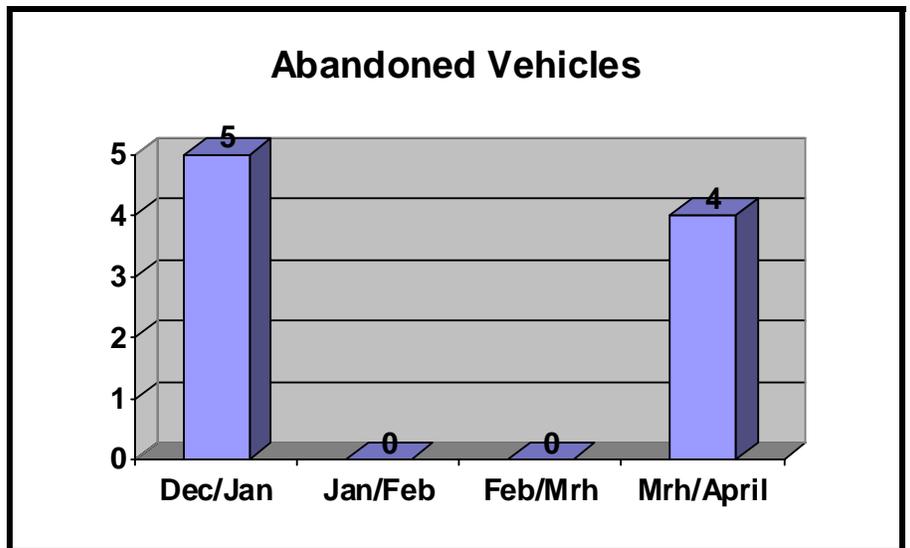
Fines Collected

From **April 21 – May 20, 2008** police have received \$981.56 in fines.



Abandoned Vehicles

From **April 21 – May 20, 2008** police have issued 4 abandoned vehicle notices.



The Milton Police Department is striving to better meet the needs of our community and would like to hear from its residents. Please take a moment and send us your questions, concerns, comments and ideas. Milton Police Department, 101 Federal Street, Milton, DE 19968 302-684-8547 or visit our new website www.ci.milton.de.us and click on the link to the police department and send an officer an email. Please check out the Town's website and click on the link to the Police Department and click on the link to view local sex offenders within the state of Delaware.

Officer Recognition



On Friday, May 16, 2008 Corporal Noah Glaeser received his 1st years MADD award for the Milton Police Department for the most DUI arrest for 2007.



Under Age Drinking and Driving Prevention Effort

Underage drinking and driving is dangerous. In Delaware in 2006, there were 6 minors under age 21 killed and 109 injured in alcohol related crashes. Not only is it physically harmful, it is also against the law. The Zero Tolerance Law states that anyone under the age of 21 who operates any vehicle while consuming or having consumed any amount of alcohol will be arrested. Delaware takes underage drinking violations very seriously and so should you – the penalties for violating will cost you.

Facts Parents Need to Know

Underage Drinking A Sobering Look at the Facts

In Delaware, in 2004, there were 4 teens killed and 89 injured in alcohol related crashes

In Delaware, minors (15-19) account for 8% of total DUI arrests

In Delaware, 42% of 11th grade students reported they have been to a party where parents bought alcohol for the kids

Nationally, 65% of youth surveyed say they get alcohol from family & friends

Laws & Penalties

Underage drinking is dangerous. Alcohol kills more young people than cocaine, heroin and all other illegal drugs combined.* Not only is it physically harmful, it's also against the law. Delaware takes underage drinking violations very seriously, and so should you.

- Mothers Against Drunk Driving (MADD): Myths About Alcohol for Teens

Underage DUI – The Zero Tolerance Law

Anyone under 21 who operates any vehicle while consuming or having consumed any amount of alcohol will be arrested.

- First offense, loss of license for two months, or \$200 fine if unlicensed.
- A minor under age 18 with a blood alcohol content over .08 loses license until age 21
- A minor age 18-21 with blood alcohol content over .08 is treated as an adult and will lose his/her license for one year.

Underage Drinking

Anyone under age 21 possessing, consuming, or found having consumed alcohol

- Loss of license for 1 month or \$100 fine if unlicensed.

Providing a Minor with Alcohol

Anyone who sells to, delivers to or purchases alcohol for anyone under age 21

- Up to \$500 fine and 40 hours of community service
- Parents who host parties for minors may also be held liable in civil court

Parental Responsibilities for Drivers under the Age of 18.

Do You Know What Their DUI Could Cost You?

- If you sign as a sponsor for your child's G.D.L. permit you're jointly liable with the minor for all damages they cause in a crash.
- If you loan a minor your car you are responsible for any damages they cause in a crash.

Parents are also liable if

- Your teen allows others to drive the vehicle without your consent
- Your teen is driving another person's vehicle (i.e. girlfriend/boyfriend/friend)



Day and Night. Buckle Up. Click It or Ticket.

The 120 Days of Summer HEAT campaign is under way! We're turning up the heat on traffic violators this summer starting with unbelted motorists. The 2008 Click It or Ticket campaign will begin May 5th with a week of awareness activities, to be followed by two weeks of daily seat belt enforcement starting May 12th. Seat belt use in Delaware is at its highest level at 87% statewide; yet still 1 in 7 Delawareans fail to buckle up. Don't risk your life or a ticket by not wearing a seat belt. Officers will be stepping up enforcement of seat belt laws both day and night from May 12 - May 26th. So buckle up every trip, every time. Click It or Ticket!

Click It or Ticket is a high visibility enforcement and public awareness campaign aimed at increasing seat belt use in our state. The only goal of this important highway safety initiative, which began in 2002, is to save lives by increasing the number of people who wear their seatbelts in compliance with Delaware law.

Click It or Ticket will run from May 5th through May 31st with high visibility enforcement occurring between May 12th through the 26th. The Office of Highway Safety will begin two weeks of statewide seat belt use surveys on June 1st to determine increases in belt use. Click It Or Ticket has been a success raising seat belt use in Delaware from 67% in 2001 to an all time high of 87% in 2007! Yet still, 1 in 7 Delawareans regularly fails to buckle up. So we need your help. Remind your friends and loved ones about Delaware's seat belt law.

The 2008 Click It or Ticket campaign will focus on several important areas of concern. 1) Night time seat belt enforcement. Seat belt use drops at night (by as much as 10%) even as your risk of being killed in a crash triples!! 2) Teens - they have among the lowest belt use in Delaware. We'll have several special initiatives in select Delaware high schools to increase seat belt use. 3) Low Belt use areas of the state - some areas in the City of Wilmington have much lower seat belt use than the rest of the state. So we're reaching out to businesses, high schools, churches, and city council members to help us promote the life saving benefits of seat belt use.

Again this year we'll also reward motorists for modeling positive behavior. Drivers and passengers "caught" wearing their seat belts by law enforcement will be given the opportunity to register to win one of five (5) pairs of tickets to the June 1st NASCAR race at Dover International Speedway.

So, click on the links above and learn more about the importance of wearing seat belts day and night!

Press Release

On April 29, 2008, the Milton Police Department arrested a 15 year old male, of Milton, De. for Attempted Rape 1st, Kidnapping 2nd, Unlawful Sexual Contact 2nd and Assault 3rd. Milton Police had learned that the Accused on April 26, 2008 had attempted to have sex with his 11-year-old female victim in the area of Tobin Street Milton, De. This after the victim reported the incident to a school teacher and then to the police on Monday, April 28, 2008.

Milton Police Department investigated and learned that the 15 year old Accused tricked the 11 year old victim to come to his house to see his sister who was not home at the time of the Attempted Sexual Assault. The 15 year old Accused male then locked the doors to the dwelling and forced the 11 year old victim up stairs to a bedroom where the attempted sexual assault took place.

Milton Police Detective was contacted on same date (April 29, 2008) by a second victim of an attempted sexual assault and the same 15 year old Accused male was involved in this case also.

The same 15 year old Accused male of Milton, De. was arrested for another Attempted Rape 1st, Conspiracy 1st, Unlawful Sexual Contact 2nd and Offensive Touching on April 29, 2008. This after Milton Police Detective learned that the 15 year old Male and another Accused subject 14 year old Attempted to Rape a 14 year old female victim in the Milton Park about one month ago. The 2nd Accused 14 year old male from Milton, De, was arrested on April 30, 2008 for the same charges as the 15 year old in the 2nd Attempted Rape.

The victim was in the Milton Park when the two Accused subjects (15 year old & 14 year old) made contact with the 14 year old victim and attempted to remove her pants. The 15 year old Accused placed his hand down the 14 year old victim's shirt.

Milton Police Detective confirmed the stories from all parties involved and warrants were issued by the courts.

Milton Police Department then interviewed, processed and video arraigned both Accused subjects (15 year old & 14 year old) on the charges.

The 15 year old Accused was committed to the Stevenson House in Milford, De, on default of \$ 56,750.00 dollars secure bail. The 14 year old Accused was released on \$5,600.00 dollars unsecured bail. Both cases are pending in Sussex County Family Court at a later date.

Milton Police on May 3, 2008 arrested Christopher Boone, 18, of Lincoln, De for Assault 3rd, and Disorderly Conduct.

Milton Police investigated an assault that had happened at an area convenience store on March 23, 2008.

Milton Police learned that the victim was in the parking lot of the convenience store waiting for his girlfriend when Boone pulled up in the parking lot. Milton Police learned that Boone opened up the driver side door and began to punch and kick the victim causing minor injuries. Boone fled the area and the victim soon thereafter responded to Milton Police Department to report the incident.

Milton Police obtained warrants for the arrest of Boone and he was taken into custody on May 3, 2008. Boone was released on \$1,000.00 unsecured bond with a no contact order pending later court date.

Milton Police on May 17, 2008 arrested James A. Babb Jr., 59, of Milton, De for Offensive Touching.

Milton Police responded to domestic at Babb's residence. Babb apparently pushed his ex-wife during an argument. Babb was taken into custody without incident.

Babb was released on unsecured bond with a no contact order pending a later court date.

Local Fugitive Arrest

Milton Police on May 15, 2008 arrested Steven J. Schauber, 31, of Rehoboth Beach, De and David A. Grubb, 42, of Rehoboth Beach De. for being Local Fugitives.

Milton Police stopped Schauber who was operating a silver Dodge pick up truck for being wanted. Milton Police also learned that Grubb an occupant in the vehicle was wanted.

Milton Police took both into custody and they were video phone arraigned then released pending later court dates.

DUI Arrest

Milton Police on April 22, 2008 arrested Jay W. Massey, 28, LKA. Dover, De for DUI, Driving in Proper Lane & Direction, No License in Poss.

Milton Police observed Massey driving in an erratic manner and stopped Massey. Milton Police administered sobriety tests and Massey was taken into custody. Massey was taken to Milford Police Department for further testing then released pending Court at Justice of the Peace 14 at a later date.

The Milton Police Chief William E. Phillips has provided the information below to you for educational purposes.

§ 4177. Driving a vehicle while under the influence or with a prohibited alcohol or drug content; evidence; arrests; and penalties.

(a) No person shall drive a vehicle:

- (1) When the person is under the influence of alcohol;
- (2) When the person is under the influence of any drug;
- (3) When the person is under the influence of a combination of alcohol and any drug;
- (4) When the person's alcohol concentration is .08 or more; or

(5) When the person's alcohol concentration is, within 4 hours after the time of driving .08 or more. Notwithstanding any other provision of the law to the contrary, a person is guilty under this subsection, without regard to the person's alcohol concentration at the time of driving, if the person's alcohol concentration is, within 4 hours after the time of driving .08 or more and that alcohol concentration is the result of an amount of alcohol present in, or consumed by the person when that person was driving;

(6) When the person's blood contains, within 4 hours of driving, any amount of an illicit or recreational drug that is the result of the unlawful use or consumption of such illicit or recreational drug or any amount of a substance or compound that is the result of the unlawful use or consumption of an illicit or recreational drug prior to or during driving.

(b) In a prosecution for a violation of subsection (a) of this section:

(1) Except as provided in paragraph (b)(3)b. of this section, the fact that any person charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not constitute a defense.

(2)a. No person shall be guilty under subsection (a)(5) of this section when the person has not consumed alcohol prior to or during driving but has only consumed alcohol after the person has ceased driving and only such consumption after driving caused the person to have an alcohol concentration of .08 or more within 4 hours after the time of driving.

b. No person shall be guilty under subsection (a)(5) of this section when the person's alcohol concentration was .08 or more at the time of testing only as a result of the consumption of a sufficient quantity of alcohol that occurred after the person ceased driving and before any sampling which raised the person's alcohol concentration to .08 or more within 4 hours after the time of driving.

(3)a. No person shall be guilty under paragraph (a)(6) of this section when the person has not used or consumed an illicit or recreational drug prior to or during driving but has only used or consumed such drug after the person has ceased driving and only such use or consumption after driving caused the person's blood to contain an amount of the drug or an amount of a substance or compound that is the result of the use or consumption of the drug within 4 hours after the time of driving.

b. No person shall be guilty under paragraph (a)(6) of this section when the person has used or consumed the drug or drugs detected according to the directions and terms of a lawfully obtained prescription for such drug or drugs.

c. Nothing in this subsection nor any other provision of this chapter shall be deemed to preclude prosecution under paragraph (a)(2) or (a)(3) of this section.

(4) The charging document may allege a violation of subsection (a) without specifying any particular subparagraph of subsection (a) and the prosecution may seek conviction under any of the subparagraphs of subsection (a).

(c) For purposes of subchapter III of Chapter 27 of this title, this section and § 4177B of this title, the following definitions shall apply:

(1) "Alcohol concentration of .08 or more" shall mean:

a. An amount of alcohol in a sample of a person's blood equivalent to .08 or more grams of alcohol per hundred milliliters of blood; or

b. An amount of alcohol in a sample of a person's breath equivalent to .08 or more grams per two hundred ten liters of breath.

(2) "Chemical test" or "test" shall include any form or method of analysis of a person's blood, breath or urine for the purposes of determining alcohol concentration or the presence of drugs which is approved for use by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner, the Delaware State Police Crime Laboratory, any state or federal law enforcement agency, or any hospital or medical laboratory. It shall not, however, include a preliminary screening test of breath performed in order to estimate the alcohol concentration of a person at the scene of a stop or other initial encounter between an officer and the person.

(3) "Drive" shall include driving, operating, or having actual physical control of a vehicle.

(4) "Vehicle" shall include any vehicle as defined in § 101(80) of this title, any off-highway vehicle as defined in § 101(39) of this title and any moped as defined in § 101(31) of this title.

(5) "While under the influence" shall mean that the person is, because of alcohol or drugs or a combination of both, less able than the person would ordinarily have been, either mentally or physically, to exercise clear judgment, sufficient physical control, or due care in the driving of a vehicle.

(6) "Alcohol concentration of .15 or more" shall mean:

a. An amount of alcohol in a sample of a person's blood equivalent to .15 or more grams of alcohol per hundred milliliters of blood; or

b. An amount of alcohol in a sample of a person's breath equivalent to 20 or more grams per two hundred ten liters of breath.

(7) "Drug" shall include any substance or preparation defined as such by Title 11 or Title 16 or which has been placed in the schedules of controlled substances pursuant to Chapter 47 of Title 16. "Drug" shall also include any substance or preparation having the property of releasing vapors or fumes which may be used for the purpose of producing a condition of intoxication, inebriation, exhilaration, stupefaction or lethargy or for the purpose of dulling the brain or nervous system.

(8) "Illicit or recreational drug" as that phrase is used in paragraph (a)(6) of this section means any substance or preparation that is:

- a. Any material, compound, combination, mixture, synthetic substitute or preparation which is enumerated as a Schedule I controlled substance under § 4714 of Title 16; or
- b. Cocaine or of any mixture containing cocaine, as described in § 4716(b)(4) of Title 16; or
- c. Amphetamine, including its salts, optical isomers and salt of its optical isomers, or of any mixture containing any such substance, as described in § 4716(d)(1) of Title 16; or
- d. Methamphetamine, including its salt, isomer or salt of an isomer thereof, or of any mixture containing any such substance, as described in § 4716(d)(3) of Title 16; or
- e. Phencyclidine, or of any mixture containing any such substance, as described in § 4716(e)(5) of Title 16; or
- f. A designer drug as defined in § 4701 of Title 16; or
- g. A substance or preparation having the property of releasing vapors or fumes which may be used for the purpose of producing a condition of intoxication, inebriation, stupefaction or lethargy or for the purpose of dulling the brain or nervous system.

(9) "Unlawful use or consumption" as that phrase is used in paragraph (a)(6) of this section means that the person used or consumed a drug without legal authority to do so as provided by Delaware law. This Code describes the procedure by which a person may lawfully obtain, use or consume certain drugs. In a prosecution brought under paragraph (a)(6) of this section, the State need not present evidence of a lack of such legal authority. In a prosecution brought under paragraph (a)(6) of this section, if a person claims that such person lawfully used or consumed a drug, it is that person's burden to show that person has complied with and satisfied the provisions of this Code regarding obtaining, using or consumption of the drug detected.

(10) "Substance or compound that is the result of the unlawful use or consumption of an illicit or recreational drug" as that phrase is used in paragraph (a)(6) of this section shall not include any substance or compound that is solely an inactive ingredient or inactive metabolite of such drug.

(d) Whoever is convicted of a violation of subsection (a) of this section shall:

(1) For the first offense, be fined not less than \$230 nor more than \$1,150 or imprisoned not more than 6 months or both, and shall be required to complete an alcohol evaluation and a course of instruction and/or rehabilitation program pursuant to § 4177D of this title, which may include confinement for a period not to exceed 6 months, and pay a fee not to exceed the maximum fine. Any period of imprisonment imposed under this paragraph may be suspended.

(2) For a second offense, be fined not less than \$575 nor more than \$2,300 and imprisoned not less than 60 days nor more than 18 months. The minimum sentence for a person sentenced under this paragraph may not be suspended.

(3) For a third offense, be guilty of a class G felony, be fined not less than \$1,000 nor more than \$3,000 and imprisoned not less than 1 year nor more than 2 years. The provisions of § 4205(b)(7) or § 4217 of Title 11 or any other statute to the contrary notwithstanding, the first 3 months of the sentence shall not be suspended, but shall be served at Level V and shall not be subject to any early release, furlough or reduction of any kind. No conviction for violation of this section for which a sentence is imposed pursuant to this paragraph shall be considered a predicate felony conviction for

sentencing pursuant to § 4214 of Title 11. No offense for which sentencing pursuant to this paragraph is applicable shall be considered an underlying felony for a murder in the first degree charge pursuant to § 636(a)(2) of Title 11.

(4) For a fourth or subsequent offense occurring any time after 3 prior offenses, be guilty of a class E felony, be fined not less than \$2,000 nor more than \$6,000 and imprisoned not less than 2 years nor more than 5 years. The provisions of § 4205(b)(5) or § 4217 of Title 11 or any other statute to the contrary notwithstanding, the first 6 months of the sentence shall not be suspended, but shall be served at Level V and shall not be subject to any early release, furlough or reduction of any kind. No conviction for violation of this section for which a sentence is imposed pursuant to this paragraph shall be considered a predicate felony conviction for sentencing pursuant to § 4214 of Title 11. No offense for which sentencing pursuant to this paragraph is applicable shall be considered any underlying felony for a murder in the first degree charge pursuant to § 636(a)(2) of Title 11.

(5) The provisions of paragraphs (3) and (4) of this subsection and the provisions of subdivision (e)(2) of § 4177B of this title notwithstanding, the Attorney General may move the sentencing court to apply the provisions of paragraph (3) of this subsection to any person who would otherwise be subject to a conviction and sentencing pursuant to paragraph (4) of this subsection.

(6) In addition to the penalties otherwise authorized by this subsection, any person convicted of a violation of subsection (a) of this section, committed while a person who has not yet reached the person's 17th birthday is on or within the vehicle shall:

a. For the first offense, be fined an additional minimum of \$230 and not more than an additional \$1,150 and sentenced to perform a minimum of 40 hours of community service in a program benefiting children.

b. For each subsequent like offense, be fined an additional minimum of \$575 and not more than an additional \$2,300 and sentenced to perform a minimum of 80 hours of community service in a program benefiting children.

c. Violation of this paragraph shall be considered as an aggravating circumstance for sentencing purposes for a person convicted of a violation of subsection (a) of this section. Nothing in this paragraph shall prevent conviction for a violation of both subsection (a) of this section and any offense as defined elsewhere by the laws of this State.

d. Violation of or sentencing pursuant to this paragraph shall not be considered as evidence of either comparative or contributory negligence in any civil suit or insurance claim, nor shall a violation of or sentencing pursuant to this paragraph be admissible as evidence in the trial of any civil action.

(7) A person who has been convicted of prior or previous offenses of this section, as defined in § 4177B(e) of this title, need not be charged as a subsequent offender in the complaint, information or indictment against the person in order to render the person liable for the punishment imposed by this section on a person with prior or previous offenses under this section. However, if at any time after conviction and before sentence, it shall appear to the Attorney General or to the sentencing court that by reason of such conviction and prior or previous convictions, a person should be subjected to paragraph (3) or (4) of this subsection, the Attorney General shall file a motion to have the defendant sentenced pursuant to those provisions. If it shall appear to the satisfaction of the court at a hearing on the motion that the defendant falls within paragraph (3) or (4) of this subsection, the court shall enter an order declaring the offense for which the defendant is being sentenced to be a felony and shall impose a sentence accordingly.

(8) The Court of Common Pleas and Justice of the Peace Courts shall not have jurisdiction over offenses which must be sentenced pursuant to paragraph (3), (4) or (5) of this subsection.

(e) In addition to any penalty for the violation of subsection (a) or subsection (b) of this section, the court may prohibit a person convicted under either subsection from operating any motor vehicle unless such motor vehicle is equipped with a functioning ignition interlock device; and such prohibition shall be for a period of not less than 1 year. A person who is prohibited from operating any motor vehicle unless such motor vehicle is equipped with a functioning ignition interlock device under this subsection at the time of an offense under subsection (a) of this section shall, in addition to any other penalties provided under law, pay a fine of \$2,000 and be imprisoned for 60 days.

(f) In addition to the penalties prescribed in paragraphs (2), (3) and (4) of subsection (d) of this section, anyone convicted of a subsequent like offense shall be ordered to complete an alcohol evaluation and complete a program of education or rehabilitation which may include inpatient treatment and be followed by such other programs as established by the training facility, not to exceed a total of 15 months and pay a fee not to exceed the maximum fine.

(g) For purposes of a conviction premised upon subsection (a) of this section, or any proceeding pursuant to this Code in which an issue is whether a person was driving a vehicle while under the influence, evidence establishing the presence and concentration of alcohol or drugs in the person's blood, breath or urine shall be relevant and admissible. Such evidence may include the results from tests of samples of the person's blood, breath or urine taken within 4 hours after the time of driving or at some later time. In any proceeding, the resulting alcohol or drug concentration reported when a test, as defined in subsection (c)(2) of this section, is performed shall be deemed to be the actual alcohol or drug concentration in the person's blood, breath or urine without regard to any margin of error or tolerance factor inherent in such tests.

(1) Evidence obtained through a preliminary screening test of a person's breath in order to estimate the alcohol concentration of the person at the scene of a stop or other initial encounter between a law enforcement officer and the person shall be admissible in any proceeding to determine whether probable cause existed to believe that a violation of this Code has occurred. However, such evidence may only be admissible in proceedings for the determination of guilt when evidence or argument by the defendant is admitted or made relating to the alcohol concentration of the person at the time of driving.

(2) Nothing in this section shall preclude conviction of an offense defined in this Code based solely on admissible evidence other than the results of a chemical test of a person's blood, breath or urine to determine the concentration or presence of alcohol or drugs.

(3) A jury shall be instructed by the court in accordance with the applicable provisions of this subsection in any proceeding pursuant to this Code in which an issue is whether a person was driving a vehicle while under the influence of alcohol or drugs or a combination of both.

(h)(1) For the purpose of introducing evidence of a person's alcohol concentration pursuant to this section, a report signed by the Forensic Toxicologist, Forensic Chemist or State Police Forensic Analytical Chemist who performed the test or tests as to its nature is prima facie evidence, without the necessity of the Forensic Toxicologist, Forensic Chemist or State Police Forensic Analytical Chemist personally appearing in court:

a. That the blood delivered was properly tested under procedures approved by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner, or the Delaware State Police Crime Laboratory;

- b. That those procedures are legally reliable;
- c. That the blood was delivered by the officer or persons stated in the report; and,
- d. That the blood contained the alcohol therein stated.

(2) Any report introduced under paragraph (1) of this subsection must:

a. Identify the Forensic Toxicologist, Forensic Chemist or State Police Forensic Analytical Chemist as an individual certified by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner, the Delaware State Police Crime Laboratory or any county or municipal police department employing scientific analysis of blood, as qualified under standards approved by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner or the Delaware State Police Crime Laboratory to analyze the blood;

b. State that the person made an analysis of the blood under the procedures approved by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner or the Delaware State Police Crime Laboratory; and,

c. State that the blood, in that person's opinion, contains the resulting alcohol concentration within the meaning of this section.

Nothing in this subsection precludes the right of any party to introduce any evidence supporting or contradicting the evidence contained in the report entered pursuant to paragraphs (1) and (2) of this subsection.

(3) For purposes of establishing the chain of physical custody or control of evidence defined in this section which is necessary to admit such evidence in any proceeding, a statement signed by each successive person in the chain of custody that the person delivered it to the other person indicated on or about the date stated is prima facie evidence that the person had custody and made the delivery stated, without the necessity of a personal appearance in court by the person signing the statement, in accordance with the same procedures outlined in § 4331(3) of Title 10.

(4) In a criminal proceeding, the prosecution shall, upon written demand of a defendant filed in the proceedings at least 15 days prior to the trial, require the presence of the Forensic Toxicologist, Forensic Chemist, State Police Forensic Analytical Chemist, or any person necessary to establish the chain of custody as a witness in the proceeding. The chain of custody or control of evidence defined in this section is established when there is evidence sufficient to eliminate any reasonable probability that such evidence has been tampered with, altered or misidentified.

(i) In addition to any other powers of arrest, any law enforcement officer is hereby authorized to arrest without a warrant any person who the officer has probable cause to believe has violated the provisions of this section, regardless of whether the alleged violation was committed in the presence of such officer. This authority to arrest extends to any hospital or other medical treatment facility located beyond the territorial limits of the officer's jurisdiction provided there is probable cause to believe that the violation of this section occurred within the officer's jurisdiction. This authority to arrest also extends to any place where the person is found within 4 hours of the alleged driving of a vehicle if there is reason to believe the person has fled the scene of an accident in which that person was involved, and provided there is probable cause to believe that the violation of this section occurred within the officer's jurisdiction.

(j) Any court in which a conviction of or guilty plea to a driving under the influence offense shall include the blood alcohol concentration of the defendant (if any is on record) when forwarding notice of said conviction or guilty plea to the Division of Motor Vehicles.

THE MILTON POLICE DEPARTMENT IS COMMITTED IN MAINTAINING A COMMUNITY ORIENTED POLICE DEPARTMENT DEDICATED TO IMPROVING THE QUALITY OF LIFE FOR RESIDENTS OF THE TOWN OF MILTON WHILE ENFORCEING THE LAWS FOR THE STATE OF DELAWARE.