

For starters to protect yourself, your loved ones and others, you should never drive any vehicle when you have consumed any amount of alcohol. Most people know that the law states you are legally seen as under the influence when the official breath test reads .08 or above. **What you may not know is that you can be arrested for a DUI if in the officer's opinion you are under the influence regardless of the breath test reading.**

Usually the stark reality of the situation hits you when you are driving along the highway from an event. Maybe you had a beer. It's a beautiful day out. Sun shining, your car is purring along. In your rearview mirror you are startled to see the blue & red whirling lights buzzing. Your breath stops. Your heart starts to race. You safely pull over. Now what?

- **You are asked by the officer for your license, registration and insurance.** Give the officer all documents requested. There must be a valid reason for the officer to stop you.
- **You may be told why you were pulled over.** You may even be asked why do *you* think you were pulled over. You may be asked have you been drinking. What do you say? You need to keep in mind that the officer has known of another law enforcement officer who was killed during a routine traffic stop. As the officer's life is always on the line, each officer is trained to protect him or herself. The officer does not know you. At all times being polite and respectful is important in your exchange with the officer. You let the officer know that you are declining comment and if need be invoking your right to remain silent.
- **You may be asked by the officer to get out of your vehicle to perform some voluntary field sobriety tests.** You need to know that you are not legally required to perform these tests. These are test that even an infantry trained soldier who is sober could fail the field sobriety tests.
- **You may be asked by the officer to blow into the preliminary breath test device.** It is a portable hand held object used to make a DUI arrest determination. You are not legally required to take this test. You need to tell the officer you will **ONLY** take the official breath test machine at the police station.

- **At the police station or hospital agree to submit to the breath or blood test.** BEFORE you take the test request to speak with an attorney first. If no attorney is available, take the test.
- **If you are taken into custody, ask to speak with an attorney.** When you are at the police station and read your *Miranda* rights you can sign you have received the notice of those rights. DO NOT SIGN THE WAIVER of those rights. Most people think that if they cooperate with an officer it will help their situation and end up answering the officer's questions. Certainly, everyone wants to be cooperative. However, you need to know that when you are being asked questions by an officer, the officer is doing his or her job and looking for more evidence to INCRIMINATE YOU. The law gives you the right not to answer questions, and your silence cannot be used against you.
- **Immediately after leaving the police station, try to go to a hospital for a blood test.** There is no legal obligation to tell the officer of your plan to do this test.

In essence, consuming alcohol makes a poor decision to drive seem like a good idea. The answer is being committed to learn information about alcohol and its effects. Obtain effective legal representation when you need it. And remember **it is always the best decision to not drive when you drink.**