



Law
enforcement
officers
give an inside
look at the
challenges,
dangers and
frustrations of
arresting
drunk drivers

On the FRONT LINES

On the hit TV show “Cops,” officers stop drunk drivers, cuff them and cart them off to jail—all before the commercial break. In real life, a drunk driving arrest can last two and a half hours, or as long as five “Cops” episodes.

In fact, say law enforcement officers all over the country, DUI is a long, complicated and often unpredictable arrest.

The stack of paperwork required for drunk driving arrests is enormous. The alcohol in a driver’s system puts officers in peril. And, often running through a cop’s mind is the question: Will a defense attorney try to beat this in court?

With this behind-the-scenes look, law enforcement officers describe what it’s really like to be on the front lines of getting drunk drivers off the road.

Story by Laurie Davies
Freelance Journalist

Front-seat view

Police ride-along reveals how our roads become safer—one arrest at a time

It's 8 p.m. on a Friday in Mesa, Ariz., and the hunt for drunk drivers is on. Officer Brad Withrow, part of an eight-man unit dedicated to finding and arresting alcohol-impaired drivers, scans the road.

His first stop: A 48-year-old male who is driving erratically.

"I had half a beer," says the driver, who blows a .31 BAC—nearly four times the legal limit of .08—into Withrow's PBT device.

An officer pulls two beer cans—one empty and the other half empty—from the man's car. Meanwhile, the driver does not know where he is, he cannot stand and, as Withrow cuffs him, he blurts, "I'm warning you, I can't be put in any situation I'm not in control of." The irony is lost only on him.

Dazed in a swirl of red and blue, his watery, bloodshot eyes dart to a backup officer's duty weapon. "Just shoot me. I'm no good."

Then, the unbelievable. "My daughter was killed in April—hit by a drunk driver," the man admits.

"Why are you drinking and driving a car? You could be doing so much good, speaking at DUI victim impact panels," Withrow says, quickly jotting information down on a four-page DUI report.

The man—who has three prior DUIs—is fingerprinted and photographed, his blood is taken, his car is towed and he's sent home in a cab because Mesa jails are too full to book DUI arrests.

Withrow will have to fill out the rest of his report later. It's 10 p.m. and he's responding to the next call. A 28-year-old male who admits to drinking a 12-pack has gone airborne and submerged his vehicle in a canal. The subject has been transported to a trauma center 30 miles away. —By Laurie Davies

Spotting drunk drivers

Driving without headlights, lateral movement within lanes and sweeping turns are top errors an alcohol-impaired driver makes. Speed—too much or too little—is also a clue. In the battle to rid our roadways of alcohol-impaired drivers, law enforcement officers also are especially watchful of context.

For example, Texas Department of Public Safety Corporal Wayne Hellen, a 35-year veteran, says weekend patrols in his East Texas jurisdiction include a stretch of highway that connects Smith County, a "dry" county, to Gregg County, where alcohol sales are allowed.

Officer Brad Withrow, of the Mesa Police Department outside Phoenix, Ariz., looks for construction, electrician or other work trucks late at night. "What are they doing on the road at that hour? Where have they been?"

And Officer Dave Lewandowski, of the Rome Police Department in rural Wisconsin, says that at about 10 a.m. officers start scanning the bars, where graveyard-shift mill workers have often been drinking since 6 a.m.

Sometimes, indications of DUI are evident before a stop. "I arrested a man one time whose truck was stuck in the median," Hellen says. "His wheels were spinning at a rate of about 60 to 70 mph and he was sitting there like he was driving. I yelled, 'Pull over.' He turned the wheel like he was pulling over. Then he put it in park. He honestly thought he was driving."

Other times, if there is probable cause to stop a driver, the real discernment must begin. Is there a scent of alcohol? Has the driver just lit up a cigarette or popped a piece of gum, perhaps to mask the smell? Are the driver's eyes watery or bloodshot? Can the driver perform divided tasks like answering questions while retrieving the vehicle registration?

Anything can happen

During a DUI stop, anything can happen.

Officer Evelyn Diaz, with the San Fernando Police Department near Los Angeles, chuckles about what seems to be an unspoken rule among alcohol-impaired drivers. "When you ask how many alcoholic beverages they've had, it's always 'two.' It's like they go to a meeting and decide that the answer is two," she says.

Officer Greg Kunz of the La Vista, Neb., Police Department laughs at the measures drivers take to cover their alcohol use. "I arrested a woman once who was chewing on lipstick to mask the odor of alcohol. She looked like a clown by the time we got her to the jail."

Sometimes, however, things turn ugly. From being hit on to being just plain hit, officers say they've been threatened, bitten, slapped and even run over by alcohol-impaired drivers, some of whom try to flee. While men sometimes flex their "beer muscles," women can have nasty mouths.

While the arrest is called different things in different parts of the country, if an officer has probable cause, the cuffs go on. And the work is just beginning.

"I'd rather arrest a man three-to-one. Females will talk ugly to you, proposition you, accuse you. And most of the time they're going to cry," Hellen says, adding that police car video cameras serve as a way to record arrests and protect officers from false accusations.

Kunz remembers the night he arrested a firefighter from nearby Omaha. "As I was taking him to jail, he told me that I should hope I never get in an accident or get hurt in Omaha," Kunz says.

Withrow was knocked off his police motorcycle while making a DUI stop in Mesa. "The guy I was stopping was a .16 [BAC]. The guy who hit me from behind was a .12 [BAC]," Withrow says, adding that he required surgery to repair his shoulder.

And Officer Joe Gaff, a 6' 2" 275-pound veteran of the Everett Police Department outside Boston, still gets razzed about the time a 120-pound intoxicated female jumped on the hood of her car, jumped on him and knocked him to the ground. "It was like WWF wrestling. It was just crazy," he says.

Field sobriety testing

Often, impaired drivers are remorseful and compliant. This makes the next step—field sobriety testing—go more smoothly.

Most officers interviewed agree that the horizontal gaze nystagmus (HGN) test gives a very accurate gauge of whether a driver is impaired. Here, officers look for involuntary jerking of the eyes as they follow a stimulus—sort of like windshield wipers flitting across a dry windshield. "Your 'professional drunks' can sometimes compensate for physical balance issues. But people can't control the movement of their eyes," Hellen says.

Drivers also will be asked to do a walk-and-turn and a one-leg stand test.

Law enforcement agencies are often equipped with preliminary breath testers, or PBTs. These measure the level of alcohol in the breath when a subject blows into an attached tube. In most states, the reading is not admissible in court. "But it does give us another tool in our decision to arrest," says Lewandowski, who also serves as president for the Wood County, Wis., chapter of MADD.

While the arrest is called different things in different parts of the country, if an officer has probable cause, the cuffs go on.

And the work is just beginning.

The paper trail

A crucial companion to field sobriety test results is a thorough completion of the numerous documents related to DUI arrests.

For perspective, a property theft call usually can be handled in 30 minutes. A simple assault and battery case can take about an hour. In a DUI case, the paperwork alone can take at least that long.

"It is unbelievable. It takes so long to process an intoxicated driver now that it keeps you from getting back out on the road," says Hellen, who remembers the day when he simply arrested drunks and took them to jail on a misdemeanor charge. Today, depending on the circumstances, paperwork helps build a case for possible felony conviction—especially if an injury was involved or a fatal crash occurred.

Depending on jurisdiction, paperwork can include: a traffic ticket, a driver's license suspension form, an implied consent affidavit for blood alcohol testing, breath and/or blood sample worksheets, a fingerprint card, a field sobriety report, an impound record and a multiple-page department report.

Is it worth it?



"If you're not going to do the paperwork, you might as well just take them home," Hellen says. "It is time-consuming, but if you don't do it, the district attorney will decline the case."

And, Kunz says, defense attorneys also will look for holes. "You need to be detailed in field sobriety and do all the paperwork right—all the time thinking ahead to a potential court date."

While the paperwork is tedious, Diaz doesn't mind. "To me, the paperwork is no problem," she says, recalling the 1981 crash in which an intoxicated truck driver struck and killed her brother, who was on the side of the road helping their father with their broken-down car. He was only 12.

"For every drunk driver I get off the street, I might be saving someone else's brother," she says.

Other challenges

Paperwork is not the least of the challenges officers face in getting drunk drivers off the road.

Time is a big factor. For example, if Trooper Duane Ellis of the Wyoming Highway Patrol is at the far point of his jurisdiction outside Cheyenne, he must wait for a tow truck before making the long drive into town to jail. In the meantime, a subject's blood alcohol level can be dropping at the rate of about .015 an hour.

Sometimes lack of training also comes into play. Before joining the La Vista force, Kunz worked with a deputy who arrested an intoxicated driver suspect only for driving with a suspended license. "I don't think she felt comfortable trying to process a DUI. It was a training issue."

MADD Steps Up Support Through Law Enforcement Leadership Summit

After nearly two decades of decreasing alcohol-related traffic fatalities, the last several years have told a different story. The number of fatalities has flatlined, holding steady at more than 17,000 a year.

Meanwhile, law enforcement agencies are stretched thin, often lacking the resources, training and time to curb impaired and intoxicated driving.

It's time for a change.

That's why more than 50 law enforcement officers and traffic safety leaders gathered for the first-ever MADD Law Enforcement Leadership Summit earlier this year.

As a result, MADD has issued a report titled "Protect, Serve and Prevent: Successful Law Enforcement Strategies to Stop Drunk Driving." The report makes six key recommendations:

- Advocate the use of general deterrence enforcement approaches, such as highly

Withrow sees a need for stronger deterrence. "I have arrested two different people three different times," he says. "When you have the same officer arresting the same person in a city of 500,000, how many times do you think that person is driving drunk?"

Departmental funding cutbacks also factor in. Balancing post-9/11 terrorism preparedness with the "routine" domestic violence, theft, assault and gang activity calls, beat cops often are stretched too thin. "We just need more guys. There's a lot more stuff we have to deal with now than in the past," Gaff says.

Crash scenes

Another difficult reality that law enforcement officers face is the often gruesome aftermath of alcohol-related crashes. Because of what they must see and process, officers are often victims in their own right.

"Chaos is probably the best word to use for a crash scene. It's like going to a war zone. Sometimes you've got debris, not to mention body parts, all over the place," Lewandowski says. "Sometimes I have to step off to the side to catch my breath."

Officers agree that responding to crash scenes—especially when children are involved—is one of the hardest parts of the job. "Anytime I see kids who get hurt, that's when I start taking it home. I'll have a shorter temper. I'll stay up late watching more TV," Gaff says.

Sometimes nightmares come.

"The carnage is just unbelievable," says Withrow, examining a photo taken during a fatal crash investigation in Mesa. "A kid driving drunk hit a retaining wall at 110 miles per hour.

visible, highly publicized sobriety checkpoints, that prevent death and injury.

- Reprioritize prevention strategies used by law enforcement leadership.
- Promote the use of paid advertising to ensure highly publicized enforcement efforts.
- Increase resources necessary for effective enforcement.
- Emphasize the need to train officers.
- Enhance criminal justice system efficiency and effectiveness.

Keeping Americans safe is a daunting, necessary task. Our everyday heroes—law enforcement officers—are charged with the job. MADD believes they deserve nothing less than our full support in gaining tools to do the job we ask them to do.

You never forget pictures like this. They stick with you. They wake you up at night."

Supporting law enforcement efforts

After investigating such horrific crashes, officers often have another very demanding job to do. They must inform surviving family members that their loved one has been killed. "There's no easy way to tell someone that their son, daughter, mother or father has died. It's brutal," Gaff says.

Lewandowski agrees. "Death notifications are emotionally draining. If there's a cop out there who says otherwise, he's a liar," he says.

Both officers have taken death notification training classes offered by MADD and say they are invaluable in equipping them for this difficult task.

In fact, whether through education, awareness or volunteerism, officers interviewed agree that the support of MADD, area businesses and community members is vital to their enforcement efforts.

A primary goal of many officers is increased awareness and education. "Back in the 1960s, '70s and early '80s, it was OK to drive around with a six-pack in your car," Gaff says, crediting MADD for changing public perceptions about drinking and driving. "It's not fun and games. We need to keep pumping this message out to make people more conscious of what could happen to them if they are caught."

He and other officers frequently hand out MADD literature at public speaking engagements.

Meanwhile, Withrow is leading the charge to pressure the Arizona legislature to pass a law requiring convicted DUI offenders to pay for the publication of their names in local newspapers.

His efforts have resulted in cooperation from the Tribune Newspapers in Mesa, Chandler, Gilbert, Tempe and Scottsdale, all of which currently publish the names of DUI offenders at no cost. "We're not trying to blacklist anybody. But half the people I arrest say, 'Who is going to find out about this?' If someone knows his name could end up in the paper, he might not drink and drive," Withrow says.

With the advent of cell phones, community members also can get involved by reporting erratic drivers to police. "We tease my wife because she's spotted more DUIs than some of the guys in our department," Kunz says.

Community support is also especially valuable with sobriety checkpoints, which scientific studies have proven



reduce alcohol-related crashes. In fact, studies are clear that highly publicized, frequent and visible enforcement efforts will curb alcohol-related deaths (see sidebar). That's why MADD volunteers offer their assistance at sobriety checkpoints, making these enforcement efforts that much more effective.

However, whether at checkpoints or during routine traffic stops, officers sometimes meet with community resistance. In rural Wyoming, Ellis says, drinking and driving is a largely accepted practice. Similarly, Lewandowski's jurisdiction covers an outdoor recreational haven where alcohol seems to go hand in hand with boating, ATVs and snowmobile use.

In suburban Los Angeles,

Diaz says, many citizens roll their eyes about drunk driving. "I don't think people in our community say, 'Oh great, officers are taking drunk drivers off the street.' More often they say, 'Take them home or call them a taxi.'"

Making a difference

Hellen, who began his law enforcement career in the late 1960s, remembers a time when police officers simply looked the other way. "Today there is pressure from MADD and from the public—and that's good. People have gotten tired of seeing drunk drivers running up and down the road killing and injuring people," he says.

Other officers agree.

"If I stopped my mother and she were drunk, she would know what to expect. I would arrest her for DUI," says Withrow, who recently arrested a fellow cop's wife for driving under the influence.

In Wyoming, Ellis arrested a very good friend. "I wasn't going to give him a break. He was on the same road my family drives on," he says.

While officers know that a DUI arrest can be uncomfortable, tedious, frustrating and dangerous, they also know they are saving lives.

Withrow, who is part of a traffic unit assigned to find and arrest drunk drivers, has made 2,500 DUI arrests in his 12 years with Mesa PD. "You have to think that some crashes—even fatal ones—were in there somewhere."

Kunz echoes this sentiment. "When I first started I lost a few court cases. I can see how it would be easy to take it personally, burn yourself out or throw your hands up in the air and say, 'Why bother?' he says. "But I got that person off the road. I may have saved his life. I may have saved someone else's life. And that's all that matters."

