



RATHDRUM POLICE DEPARTMENT

Incident Report for 18RPD4941

Nature: DUI

Address: W HIGHWAY 53 & N
WESTWOOD DR
RATHDRUM ID 83858

Location: R126

Offense Codes: DUI

Statute Codes: 18-8004

Received By: C. LYBEER

How Received: O

Agency: RPD

Responding Officers: S. KENNEDY, G. MARSHALL

Responsible Officer: S. KENNEDY

Disposition: CAA 09/28/18

When Reported: 20:40:19 09/27/18

Occurred Between: 20:40:05 09/27/18 and 20:40:05 09/27/18

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Summary

Complainant: 535979

Last: KENNEDY

First: SCOTT

Mid: CHRISTOPHER

DOB: **/**/**

Dr Lic:

Address: 8178 W MAIN ST

Race: W

Sex: M

Phone: () -

City: RATHDRUM, ID 83858

Offense Codes

Reported:

Observed: DUI DUI Alcohol or Drugs

Additional Offense: DUI DUI Alcohol or Drugs

Statute Codes

Additional Statute: 18-8004 DUI Alcohol/Drugs

Circumstances

Responding Officers:

Unit :

S. KENNEDY

4012X

G. MARSHALL

4015

Responsible Officer: S. KENNEDY

Agency: RPD

Received By: C. LYBEER

Last Radio Log: **.***.*** **/**/**

How Received: O Officer Report

Clearance: D3M ARREST, MISDEMEANOR

When Reported: 20:40:19 09/27/18

Disposition: CAA **Date:** 09/28/18

Judicial Status:

Misc Entry: TM 928

Occurred between: 20:40:05 09/27/18

and: 20:40:05 09/27/18

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description	Relationship
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Narrative

DUI Report

1. Type of offense and applicable code section:

DRIVING UNDER THE INFLUENCE (ALCOHOL) - I.C. 18-8004

2. Probable cause for stop:

ON 09-27-18 I, OFFICER S. KENNEDY SR, WAS ON REGULAR PATROL IN THE CITY OF RATHDRUM. I WAS SOUTHBOUND ON THE HWY 41/53 INTERCHANGE, FOLLOWING A BLACK 2000 VW JETTA BEARING IDAHO LICENSE PLATE [REDACTED] I SAW THE DRIVER'S SIDE TAIL LIGHT OF THE JETTA WAS NOT ILLUMINATED. THE PASSENGER SIDE TAIL LIGHT WAS ILLUMINATED. THE TIME WAS APPROXIMATELY 8:23 PM AND IT WAS DARK. THE SUN SET AT APPROXIMATELY 6:33 PM THAT NIGHT. AS WE CONTINUED SOUTHBOUND TOWARD THE NEXT INTERSECTION, THE DRIVER OF THE JETTA DROVE ONTO THE YELLOW CENTER LINE WITH THE LEFT SIDE TIRES, AND SWERVED WITHIN HIS LANE. I ACTIVATED MY OVERHEAD LIGHTS TO INITIATE A TRAFFIC STOP FOR VIOLATION OF I.C. 49-906 WHICH STATES EVERY VEHICLE MUST HAVE (2) WORKING TAIL LIGHTS AFTER SUNSET.

3. Why you suspected the influence of alcohol or drugs:

UPON CONTACTING THE DRIVER OF THE BLACK JETTA, IDENTIFIED BY HIS IDAHO DRIVER'S LICENSE AS STEVEN GONCLAVES, I RECOGNIZED THE ODOR OF WHAT I KNOW THROUGH MY TRAINING AND EXPERIENCE TO BE THAT OF AN ALCOHOLIC BEVERAGE, COMING FROM WITHIN THE VEHICLE. STEVEN WAS THE ONLY OCCUPANT. STEVEN'S MOVEMENTS WERE SLOW AND DELIBERATE. STEVEN'S MEMORY APPEARED TO BE IMPAIRED, AND HIS RECOGNITION OF STANDARD DOCUMENTS IN HIS VEHICLE WAS LABORED AND INCORRECT. I ASKED STEVEN HOW MUCH HE HAD TO DRINK THAT NIGHT. STEVEN LOOKED AT ME AND JUST SHOOK HIS HEAD, NO. I TOLD STEVEN I COULD SMELL THE ODOR OF ALCOHOL COMING FROM HIM. HE TOLD ME, "I DON'T WANT TO LIE, I HAD A DRINK".

4. Field evaluations given:

DURING MY INITIAL QUESTIONING, STEVEN TOLD ME HE WAS NOT UNDER THE CARE OF A DOCTOR. STEVEN CLAIMED TO BE IN GOOD HEALTH, AND NOT TAKING ANY PRESCRIPTION MEDICATIONS.

I THEN EXPLAINED AND/OR DEMONSTRATED EACH EVALUATION TO STEVEN PRIOR TO ASKING HIM TO ATTEMPT THEM.

HORIZONTAL GAZE NYSTAGMUS:

STEVEN'S EYES TRACKED THE STIMULUS EQUALLY, BUT DISPLAYED A LACK OF SMOOTH PURSUIT. HIS EYES DISPLAYED DISTINCT AND SUSTAINED NYSTAGMUS AT MAXIMUM DEVIATION. HE ALSO HAD NYSTAGMUS PRIOR TO 45 DEGREES OFF CENTER. STEVEN DID NOT HAVE VERTICAL NYSTAGMUS.

WALK AND TURN:

STEVEN ATTEMPTED THIS EVALUATION AND WAS NOT SUCCESSFUL IN PASSING. STEVEN COULD NOT REMAIN IN THE STARTING POSITION WITHOUT LOSING HIS BALANCE AND STEPPING OUT OF THE REQUIRED POSITION. ONCE STEVEN BEGAN, HE MISSED SEVERAL HEEL TO TOE STEPS, AND STEPPED OFF LINE SEVERAL TIMES. STEVEN TURNED IMPROPERLY. AFTER TURNING, STEVEN ASKED IF HE WAS SUPPOSED TO WALK BACK. I REMINDED HIM, YES, THAT WAS WHAT I INSTRUCTED HIM TO DO.

ONE LEG STAND:

I ATTEMPTED TO EXPLAIN THIS EVALUATION TO STEVEN. STEVEN BEGAN BEFORE I FINISHED THE INSTRUCTIONS. ONCE STEVEN STARTED THE EVALUATION HE SWAYED AND WAS UNSTEADY. HE PUT HIS FOOT DOWN AT ABOUT THE COUNT OF 15, SAYING HE JUST STOPPED BECAUSE HE DID NOT KNOW HOW LONG TO GO. I TOLD HIM IT WAS BECAUSE I WAS EXPLAINING THE EVALUATION TO HIM AND HE STARTED BEFORE I WAS FINISHED; EVEN CONTINUING AFTER I TOLD HIM TO NOT START YET AND TO LISTEN TO THE INSTRUCTIONS. STEVEN SAID, "MY BAD".

5. Important events during arrest and transport:

STEVEN REFUSED TO PROVIDE EVIDENTIARY SAMPLES.

6. Chemical test and results:

STEVEN REFUSED TO SUBMIT TO EVIDENTIARY TESTING. WHEN I EXPLAINED THE COLLECTION PROCESS TO HIM, STEVEN SAID HE WANTED TO HAVE BLOOD DRAWN INSTEAD OF PROVIDING BREATH. I TOLD STEVEN THAT WAS NOT THE NORM, AND BLOOD WAS USUALLY RESERVED FOR FELONY DUI CASES.

WHEN IT CAME TIME TO PROVIDE BREATH SAMPLES, STEVEN AGAIN SAID HE WOULD ONLY PROVIDE BLOOD, BECAUSE "IT WAS MORE ACCURATE". I ASKED IF HE WAS GOING TO REFUSE TO PROVIDE BREATH. STEVEN SAID HE WAS NOT REFUSING, HE JUST WANTED TO HAVE BLOOD DRAWN. I REMINDED STEVEN OF THE WORDS IN THE ALS FORM I JUST READ TO HIM. IT STATED, "IF YOU REFUSE TO TAKE OR COMPLETE ANY OF THE OFFERED TESTS PURSUANT TO SECTION 18-8002, IDAHO CODE..." I TOLD HIM I WAS OFFERING THE BREATH TEST TO HIM.

STEVEN THEN WANTED ME TO SHOW HIM THE ALSO FORM AND RE-READ IT TO HIM. I SHOWED HIM THE ABOVE LINE AND READ IT TO HIM. STEVEN THEN WANTED ME TO RE-READ THE ENTIRE FORM TO HIM CLAIMING I LEFT OUT PARTS OF IT THE FIRST TIME. I TOLD STEVEN IF HE DID NOT PROVIDE BREATH SAMPLES HE WOULD BE CONSIDERED TO HAVE REFUSED. STEVEN DID NOT PROVIDE BREATH SAMPLES. MY READING OF THE ALS FORM, IN IT'S ENTIRETY, WAS RECORDED ON MY VIEWU CAMERA.

7. Important times:

Time of Stop: 20:22 PM
Evaluations: 20:32 PM
Actual arrest: 20:39 PM
Transport to PSB: 21:06 AM
Arrival at PSB: 21:23 AM

Mouth check: 20:44 PM
18-8002 Reading: 23:40 PM
Test administered: 21:00 PM
First drink:
Last drink:
Type and amount of alcohol:
Last ate, when and what?

8. Additional information:

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I TOLD STEVEN WHY I STOPPED HIM. STEVEN SAID HE KNEW THE LIGHT WAS OUT, BUT THOUGHT HAVING A "THIRD BRAKE LIGHT" WAS ENOUGH. I EXPLAINED THE EQUIPMENT REQUIREMENTS TO HIM. I ASKED STEVEN FOR HIS DRIVER'S LICENSE, REGISTRATION, AND PROOF OF INSURANCE. STEVEN TOOK SOME TIME FUMBLING THROUGH HIS WALLET TO FIND HIS LICENSE. HE THEN DID NOT RECOGNIZE THE REGISTRATION HE WAS HOLDING AS HE STARED AT IT. HE THEN WENT TO SET IT DOWN. I TOLD STEVEN THAT WAS HIS REGISTRATION HE HAD IN HIS HAND. I THEN HAD TO REMIND STEVEN ABOUT HIS INSURANCE. STEVEN LOOKED FOR HIS INSURANCE. STEVEN PICKED UP AN EXPIRED REGISTRATION AND WAS STUDYING IT FOR SOME TIME BEFORE I TOLD HIM THAT WAS NOT HIS INSURANCE.

I ASKED STEVEN HOW MUCH HE HAD TO DRINK THAT NIGHT. STEVEN LOOKED AT ME AND JUST SHOOK HIS HEAD, NO. I TOLD STEVEN I COULD SMELL THE ODOR OF ALCOHOL COMING FROM HIM. HE TOLD ME, "I DON'T WANT TO LIE, I HAD A DRINK".

I THEN ASKED STEVEN TO SUBMIT TO SFST'S. HE COMPLIED AND DID NOT PASS THE EVALUATIONS SATISFACTORILY (SEE ABOVE DETAIL) AND WAS PLACED UNDER ARREST FOR DUI. I PLACED HANDCUFFS ON HIM, CHECKED THEM FOR PROPER FIT AND DOUBLE LOCKED THEM TO PREVENT THEM FROM TIGHTENING. I SEARCHED STEVEN INCIDENT TO ARREST AND PLACED HIM IN THE BACK SEAT OF MY PATROL CAR.

I READ STEVEN THE 18-8002/18-8002(A) ALS ADVISORY FORM. I CHECKED HIS MOUTH FOR FOREIGN MATERIAL AND THEN MONITORED HIM THE REQUIRED 15 MINUTES BEFORE COLLECTING BREATH SAMPLES. AFTER THE WAITING PERIOD, STEVEN REFUSED TO SUBMIT TO EVIDENTIARY TESTING. WHEN I EXPLAINED THE COLLECTION PROCESS TO HIM, STEVEN SAID HE WANTED TO HAVE BLOOD DRAWN INSTEAD OF PROVIDING BREATH. I TOLD STEVEN THAT WAS NOT THE NORM, AND BLOOD WAS USUALLY RESERVED FOR FELONY DUI CASES.

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I TRANSPORTED STEVEN TO PSB. ONCE AT PSB, STEVEN WAS PROCESSED BY THE JAIL STAFF WHILE I FILLED OUT A BOOKING SHEET AND CITATION.

STEVEN WAS BOOKED INTO PSB FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL - I.C. 18-8004, USING CITATION #23929. STEVEN'S COPY OF THE CITATION AND HIS COPY OF THE ALS FORM WAS PLACED INTO HIS PROPERTY BAG AT PSB.

AFTER RETURNING TO THE RATHDRUM POLICE DEPARTMENT I UPLOADED MY CONTACT WITH STEVEN, RECORDED ON MY VIEWU, AND COBAN CAMERA SYSTEMS, ONTO THE RPD SERVER.

9. Inventory of vehicle completed by:

NONE, VEHICLE WAS RELEASED TO STEVEN'S WIFE.

10. Date, time, reporting Officer:

Fri Sep 28 03:16:35 PDT 2018 S. KENNEDY SR K4012

11. Approved by:

Responsible LEO:

Approved by:

Date