OWI: What happens when you’re caught?

By HOLLY ABINGTON
Editor

Most people in South Louisiana will agree that there’s nothing wrong with having a drink or two. But there are an increasing number of people who qualify this by adding, “as long as you don’t get behind the wheel of an automobile.”

But suppose that a person chooses to ignore these warnings and drives under the influence of alcohol — what are the chances that he will be caught? What happens if he is caught?

“The probability that a person driving while intoxicated will be caught is incredibly high in Lafayette,” Phil Bordelon, director of the Lafayette Alcohol Traffic Campaign, says. “We have a selective enforcement unit on patrol,” Bordelon adds. “The officers in this unit are specially trained to spot drivers who are intoxicated.”

The selective enforcement unit consists of a four-man team which patrols Lafayette Wednesday through Saturday nights between 6 p.m. and 4 a.m. The officers are trained to spot any “probable cause violation” — a traffic violation which is common to drivers who are intoxicated. Certain traffic violations which occur at night are prone to be committed by drunk drivers.

Offenses such as turning a car too wide often clue a police officer that the driver of the car may be intoxicated. There is a 65 percent chance that a driver who has trouble turning a car — especially a driver who turns too wide — is legally drunk.

There are about 20 different “probable cause violations” including weaving, studding the center or lane marker, following too closely, stopping without cause and driving with headlights off. If these violations are committed at night, the probability that the driver is legally drunk ranges from 30 to 65 percent.

Once a driver is stopped on suspicion of OWI, he is asked to get out of the car. The officer then makes routine checks, conversing with the suspect while looking for signs of drunkenness. The officer checks for alcohol breath, slurring of speech, or stumbling.

Many police officers can spot a OWI driver while he’s still in his car,” Bordelon says. “Some of the trained officers can even predict the Blood Alcohol Content (BAC).”

If the officer has reason to think that the driver is intoxicated, he will ask the suspect to submit to a sobriety test. The test usually consists of a few simple exercises to demonstrate dexterity.

The officer may ask the suspect to walk a chalk line, touch his finger to his nose, or stand one legged. If the suspect fails to respond to one of the tests correctly, the suspect is then placed under arrest.

The suspect is often handcuffed and placed in the back of the police car in which he is driven to the police station for further tests.

Upon arrival at the police station, he is brought into the chemical testing unit. Here, a breath test will be administered while the procedure is videotaped.

Before administering the test, the police question the suspect to determine if he is ill or taking medication. The officer then asks the suspect to take a chemical breath test.

The suspect may refuse to take the test. However, refusal to take the test results in a mandatory six-month suspension of his driver’s license. A law called implied consent mandates that when Louisiana drivers are licensed, they agree to sobriety tests, anytime one is necessary.

The test requires that the suspect blow into a plastic tube which contains the breath and analyzes it for alcohol content. From measuring the amount of alcohol in the breath, the amount of alcohol in the bloodstream may also be determined.

When the Blood Alcohol Content reaches .10, then a person is considered to be legally drunk.

It is difficult to determine how many drinks a person must have before he reaches the legal limit. Bordelon says. Too many different factors must be considered, such as when a person had his last meal, whether or not a person is taking medication, etc.

Some people can drink four or five drinks in an hour’s time and not be drunk, but for other people it may take only two drinks,” he says.

Younger people have a lower tolerance for alcohol. “This is one of the major arguments for raising the drinking age,” he says. “Alcohol accidents are the leading cause of death for people between the ages of 15 to 24.

“Over 9,000 teenagers die in motor accidents each year; over half of these accidents are caused by drunkenness,” he continued.

If a driver is found to have a B.A.C. of .10 or over, he is then finger-printed; mug shots are taken and he is detained in jail. He is also issued a citation for his probable cause violation.

“Many people fail to realize that the charge, OWI, is a criminal offense,” Bordelon said. “It goes on one’s record as a criminal offense. It is not a traffic violation.”

If the suspect can’t bond out of jail, he is detained. The bond for an OWI offense is $500.

Later, the defendant is arraigned. If he pleads not guilty, a trial date is set. About 95 percent of the arrests result in conviction.

The fine for a first offense ranges from $125 to $500 with a jail sentence of ten days to two months. The sentences may be suspended if the offender participates in community service activities. Attends a substance abuse program and a driver improvement program.

A third offense results in a $3,000 fine and imprisonment for one to five years. Fourth offenders are sentenced to a minimum of ten years of hard labor imprisonment.

Bordelon says that with increased police officer training, arrests for drunk driving are increasing. This year, approximately 1,500 drunk drivers will be arrested. About 40 percent of these arrests are in the 19 to 29-year-old age group.

Chances are,” Bordelon stressed, “if you choose to drink and drive, you will be arrested and convicted.”

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—Phil Bordelon, director, A.T.A.P.