

With the holiday season now in full swing, many people will be enjoying holiday parties, family get-togethers, gift-giving and receiving, and overall cheer. In many cases, the festivities will also include the indulgences in a drink or two. As a way to help ensure that this holiday season stays not only enjoyable but safe too, I have one important reminder: Please don't drink and drive! Every year, thousands of Americans are involved in motor vehicle accidents resulting from drinking and driving. Many of these accidents involve personal injury, property damage, and sometimes fatalities. The end result of this singular action is lost and shattered lives, criminal arrests, and hefty legal bills. Below explains just how the incident can possibly unfold from a patrol officer's perspective:

An officer is on patrol and observes a vehicle commit a traffic violation. The officer (or deputy or trooper) subsequently initiates a traffic stop upon the vehicle. Upon approaching the vehicle, the law enforcement officer will ask to see the license, registration, and insurance card of the operator. It is at that point that the officer may notice the smell of an alcoholic beverage emanating from the breath of the vehicle operator if that operator has been drinking. The officer may also notice other indicators of alcohol consumption such as slurred speech, poor motor skill coordination, and / or an inability to follow instructions. At this point the officer will investigate further to see if the operator is driving while impaired or intoxicated. This further investigation will include asking the operator to perform a series of standardized field sobriety tests. These specific tests have been given judicial notice by the courts and provide important information for the officer to determine whether the driver is impaired or intoxicated. The operator may also be asked to provide a breath sample into a pre-screening device at the time of the stop. This pre-screening test is articulated in state statute and a refusal is a violation of the New York State Vehicle and Traffic Law.

If there is probable cause to believe that the operator is driving while intoxicated, the officer will place that operator under arrest and transport him or her back to the police station. At the station, the operator may be given another opportunity to perform the field sobriety tests, and will also be given the opportunity to submit to a breath test. The breath test is administered via the utilization of a scientific instrument specifically designed to determine the alcohol content of a person's blood. This is the legally recognized test which is different than the pre-screening test as mentioned above. If the arrestee refuses this test, their driver's license may be suspended or revoked, regardless of whether or not the person is found guilty of driving while intoxicated. If it's determined that the suspect is in fact intoxicated, he or she will be charged, processed and then either held until sober, released *on bail*, released without bail, or held for arraignment, all depending upon specific case factors.

The above is all assuming that no accident occurred. An accident, especially one resulting in personal injury, would significantly compound the situation. In the end, the arrestee can expect to spend thousands of dollars on attorney fees and court fines in addition to increased insurance rates, points on their driver's license, and a criminal record. Many people do not consider all of the above when they operate a motor vehicle after consuming alcohol because if they did, they would wisely choose another means of transportation. Ironically, those arrested for driving while intoxicated are oftentimes within a short distance from their home. The driver thinks that he or she will be okay since it is only a short distance to travel, but it's a fact that many accidents occur within a close proximity to one's home.

In closing, driving while intoxicated risks the life of the vehicle operator, his or her passengers, and all those with whom they share the road. The consequences are severe and will have long-lasting effects on all involved. So please, drink responsibly and plan to have a designated driver or an alternate means of transportation. Let's all do our part to make this holiday season not only enjoyable, but safe as well. Best wishes for a great holiday season and a happy and healthy new year ahead!