



**CONTINUATION SHEET**

INCIDENT NUMBER 07-426398
UNIT FILE NUMBER

ITEM OR ENTRY	INCIDENT INCIDENT AND ARREST ARREST ONLY	FOLLOW-UP TRAFFIC / COLLISION SUPERFORM	X OTHER: (specify) <b>NO ARREST</b>
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**Incident Narrative**

I am Seattle Police Officer Eric Michl #4494, currently assigned to the Driving Under the Influence Emphasis Squad. I have over 23 years of training and experience detecting, investigating, and arresting people for driving under the influence of alcohol and / or drug, and measuring vehicle speed using traffic radar, visual estimate, and speedometer. The entire incident I am about to describe occurred in Seattle, Washington. Portions of this investigation were audio / video recorded. My radio call sign was T-73 (Tom 73).

**VEHICLE IN MOTION**

On Wednesday night October 17, 2007 at about 2330 hours I was driving west on NW Market St. approaching 22 Ave. NW. My PYTHON traffic radar alerted me to an oncoming motor vehicle approaching at 50 MPH in the posted 30 MPH zone. I identified this vehicle as a green Volvo Station Wagon that I later determined was being operated by suspect [REDACTED] and my visual estimate of her speed was consistent with the radar display. I saw [REDACTED] vehicle cross the double yellow centerline after she passed Ballard Ave. NW. After [REDACTED] passed me, I turned around to further observe her driving. Using both my PYTHON traffic radar and patrol car speedometer, I paced [REDACTED] at 45 MPH plus still in the posted 30 MPH zone from about 20 Ave. NW. to the 1500 block and I also noticed her vehicle drifting side to side but remaining within its lane. [REDACTED] crossed the intersection at 15 Ave. NW. I turned on my emergency lights and siren to clear the intersection, caught up with [REDACTED] in the 1400 block of Market St. and signaled her to stop. She pulled over to the right and stopped just east of 11 Ave. NW. on NW Market St. in the marked bus zone.

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PERSONAL CONTACT

I approached and met with [REDACTED] in the driver's seat of her car. I asked for her driver's license and explained why I stopped her. [REDACTED] acknowledged that she crossed the centerline and did not notice how fast she was going. She told me she did not have her driver's license or any identification with her. She eventually came up with a credit card with her name on it and provided me with her birthdate. I recognized [REDACTED] at that time. During this conversation I detected the signs of alcohol intoxication that I have noted on page #2 of this report. I called for another unit to join me. Officer J. Ritter #4710 arrived a few minutes later. I checked [REDACTED] via mobile data computer and determined that she was licensed to drive.

Pre-ARREST SCREENING

I returned to [REDACTED] and asked her to join me on the nearby sidewalk. At this point I noticed a strong minty smell coming from her breath, different from what I smelled when I first contacted her, which led me to suspect she was trying to cover up the odor of alcohol. We reached the sidewalk and I explained that my job was to determine if her ability to drive was impaired by alcohol and / or drugs and asked if she would cooperate with field sobriety tests. [REDACTED] said she would cooperate.

I asked [REDACTED] some questions and I have noted the information I learned from her under Unusual Actions / Statements. [REDACTED] cooperated with all the field sobriety tests. After Romberg Balance, I gave her the option of removing her high heel boots for the rest of the tests. [REDACTED] decided to remove her boots at that time and kept them off until the end of testing. The only other thing I noted was that her eyes were sensitive to my flashlight during the Gaze Nystagmus test. At the conclusion of the field sobriety tests, I determined that [REDACTED] ability to drive a motor vehicle safely was impaired by the alcohol she consumed.

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ARREST AND TRANSPORTATION

I placed [REDACTED] under arrest and advised her of her constitutional rights. I did this by reading them to her from a card I carry for that purpose and while holding it up to her at eye level so she could read it also. [REDACTED] indicated that she understood. [REDACTED] wanted me to explain the reason I arrested her in more detail. I was not able to do so at that moment and secured her in my police car. Officer Ritter identified [REDACTED] passenger and she arranged for her own ride home. She also had been drinking alcohol. The vehicle was impounded because it was in a bus zone. I took [REDACTED] to the police station where Sgt. E. Striedinger #4311 joined us.

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IMPLIED CONSENT AND BREATH TEST

I had Velazquez take a seat in the breath testing room where I advised her of the Implied Consent Warning. I read this to her and asking that she follow along silently. I then asked Velazquez to read over the warning to herself before signing. Velazquez appeared to read it and when she was done, placed the form on the counter. I asked Velazquez if she would sign the form. She said she would not. I asked Velazquez if she would submit to the breath test. She said she would not. I asked her then if she wanted to speak with an attorney. She said she did and had one of her own to contact.

I let Velazquez use the telephone to call an attorney and offered to help her dial the number if she had difficulty. Velazquez made a connection and I stepped out of the room and closed the door at 0021 hours. At 0036 hours I gave Velazquez a 5 minute warning. I saw Velazquez hang up the phone and dial two more telephone numbers. I entered the room at 0041 hours and told her to end the conversation. Velazquez continued to talk and I had to tell her three more times to end the call.

Once Velazquez was done I asked her if she would submit to the breath test. Velazquez wanted more clarification about the Implied Consent Warning. I told her I would not deviate from what the form said but she insisted on further explanation and what would happen if she took the test and what would happen if she did not. I told Velazquez that I was confident in my opinion that her ability to drive was impaired and intended to release her with a citation for DUI whether she submitted to the breath test or not. With that Velazquez indicated she would still refuse to submit to the breath test. Velazquez signed the form, checked and initialed the NO box. I accepted her refusal.

CONCLUSION

I provided Velazquez with a DOL hearing request form and issued the Notice of Infraction and Citation. Sgt. Striedinger provided her with a ride home.

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