

DUI DOs and DON'Ts

DO pull over at the first safe opportunity

If you do not pull over as soon as possible, the officer may determine that you did not notice his lights - this may make it into the report as evidence that you were intoxicated.

DO provide your license, registration, and proof of insurance

Keep these items handy and know where they are at all times. If these items are at the bottom of your console and you have to dig for them, the officer may interpret this as "fumbling for your documents."

DON'T answer questions

When an officer asks you where you are going, where you are coming from, or how much you have had to drink, s/he is NOT asking for YOUR benefit.

DO step out of the vehicle if asked

There is a fine line between being cooperative and building a case against yourself. If you are asked to step out of your car, DO IT (and turn the ignition off).

DON'T perform voluntary field sobriety tests

If you are asked to perform any field sobriety tests, politely decline to do them. This will NOT negatively affect your case if you are arrested, but if you perform these tests they WILL be used against you. Summary: NOTHING GOOD comes from performing field sobriety tests.

DON'T blow into a PORTABLE breath test (PBT)

This is where attorneys and non-attorneys part ways on legal advice. Your friends will tell you that HAVE to perform this test or you will lose your license. They are WRONG. This is NOT the breath sample you agreed to provide when you obtained your drivers license. (That will come later). This PBT is offered BEFORE arrest, and is used to form probable cause to arrest you. These PBT results are not admissible in court and it will not negatively affect your case if you refuse to perform this test. Just like other field sobriety tests, NOTHING GOOD will come from performing this test.

DO cooperate with the officer if you are placed under arrest

By cooperate, I do not mean confess all your sins in the hopes that the officer will reward you for your honesty. You will NOT be rewarded for your honesty. Trust me. You will not be rewarded for dishonesty either. Silence, on the other hand, is your best friend. By cooperate, I mean be quiet and put your hands behind your back and go peacefully into the car. The silence in the car on the way to the precinct may be uncomfortable, but you must resist the urge to fill that silence.

DON'T answer any questions

The officer will likely interview you once you are at the precinct. Politely decline to answer any questions.

DO contact an attorney before providing a breath sample at the precinct

Now we will talk about the breath sample that is admissible in court. This sample is collected at the precinct (not roadside) and if you refuse to provide this sample, you will likely lose your driving privileges for up to two years. Do not make any decisions about this breath sample until you have consulted with an attorney. The officer will call an attorney for you if you request one. If you do not have an attorney to call, the officer will put you in touch with the on-call public defender. Ask the officer for privacy while you have this conversation with the attorney.

DO avoid alcohol while your case is pending

In some cases, you may be ordered not to use or possess alcohol while your case is pending. Even if you are not ordered to abstain from alcohol, it is a good idea to do it anyway. Any alcohol-related charge or incident that occurs while your case is pending is only going to harm your case.