EUGENE POLICE NEWS RELEASE  

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Additional Information DUII Locations

Oregon State Police had four in Eugene: 6th Avenue, 7th Avenue, and two on W. 11th Avenue. 

Eugene Police had two: High/4th & 7th/Polk. 

Springfield Police had three (51st/Main, 52nd/I-105, and Sweet Illusions at 1836 S A Street). The refusal with warrant was the Sweet Illusions arrest. 

Six of the custodies were cited in lieu of custody. One of OSP's and the Springfield warrant were lodged.

“No Refusal” July 4, DUII Enforcement Results  
All Impaired Drivers Caught This Weekend Were Tested

To combat the often deadly problem of impaired driving, the Eugene Police Department along with Springfield Police Department and Oregon State Police, were out in force this weekend cracking down on impaired drivers, and today reported the results of its highly effective “No Refusal Program.” The enforcement is similar to other saturation patrols like Cinco de Mayo, but this is the first time that local law enforcement has participated in this type of enforcement.

A total of 8 drivers were cited for impaired driving during the six-hour block of time when extra officers were on patrol with the direct support of Assistant District Attorneys and phlebotomist. A total of eight suspected impaired drivers voluntarily provided a breath sample. 1 “blood draw warrant” sought and subsequently issued. A 9th driver was arrested in the early morning hours of July 4th, and a search warrant was successfully obtained and executed after he refused a breath test as well. During the “No Refusal Weekend” the refusal rate was markedly low, but more telling of the program’s success was that the involved agencies did not have a single crash reported during the
event hours, and as a result, there were no fatalities, injuries, or property damage on a night that is historically dangerous for travelers on American highways.

Additionally, officers responded to numerous traffic complaints and reports of possible intoxicated drivers, and in most cases, the involved vehicle was located and contacted. In most cases, however, their driving behavior was caused by something other than impairment, such as distraction or fatigue, and no arrests were made in those cases. Participating officers reported making dozens of traffic stops during the event, and were pleased to say they encountered numerous designated drivers, many of whom had heard of the event in advance, and made responsible travel plans beforehand to ensure they could be safe on area roadways.

In addition to arrests for DUII, officers participating in the saturation made arrests for Driving While Suspended, Possession of Methamphetamine, Reckless Endangering, Interfering with Police, Resisting Arrest, and Misuse of 911. They also issued several citations for traffic violations.

This latest enforcement effort is one of a series of “No Refusal” programs. They are called that because all suspected impaired drivers caught during the weekend who refuse breath testing are subject to blood testing for alcohol. A blood test will happen if a driver has already:

1) been stopped for a traffic infraction or involved in crash
2) shown signs of impairment
3) further demonstrated impairment via Field Sobriety Tests and then
4) been lawfully arrested and provided an opportunity to provide a breath sample after hearing the Implied Consent Rights and Consequences.

Then, and only then, if the driver refuses a breath test, does the search warrant process begin. It requires the officer to articulate probable cause which would be reviewed by a prosecutor and a judge. A blood draw would only be conducted if authorized by a judge who has reviewed the particular circumstances of that particular case. The draw would be conducted by trained medical personnel, not a police officer.

To clarify:

1) There are not any checkpoints involved. Checkpoints are not legal in Oregon, and their effectiveness in combating impaired driving is limited. There were instead extra officers out looking for signs of impaired driving, and stops were made on a basis of probable cause.
2) Drivers stopped during the operation were only asked to submit to a breath test if they were arrested for DUII. To be clear, there were no demands for roadside breath tests from any driver, much less from every driver.
3) Search warrants are evaluated on a case-by-case basis by both the on-site prosecutor and the judge.
4) The efforts by Eugene Police, Springfield Police and Oregon State Police to inform the public about this event are meant to educate drivers about the dangers of impaired driving, and that law enforcement takes seriously their responsibility to protect the lives and property of travelers on our roadways. Our ultimate goal is to deter all instances of impaired driving first, and to successfully prosecute those who elect to make the dangerous
decision to drive under the influence second. Simply put, our goal is to reduce crashes, not increase arrests.

In Eugene, as well as the rest of America, anyone driving with a blood alcohol concentration (BAC) of .08 grams per deciliter or higher is considered legally impaired (.04 for commercial drivers). However, many impaired drivers refuse to submit to BAC testing in attempt to avoid—or have reduced—the criminal sanctions they could face upon conviction. It is important to note that a person is arrested based upon impairment, so even if someone is below the legal limit, if they are impaired they can be arrested. For example, some prescription medicines, illegal drugs, and or combinations of alcohol and drugs can impair a person’s driving abilities.

BAC test refusals are increasing around the Nation. In a 2008 report to Congress (Refusal of Intoxication Testing: A Report to Congress, NHTSA), refusal rates ranged from 2.4 percent to 81 percent, with an average refusal rate of 22.4 percent. The “No Refusal Program” is designed to address this issue and also to provide scientific evidence of guilt or innocence to prosecutors. Police and other law enforcement officials work in coordination with prosecutors and judges to quickly obtain “blood draw warrants” for drivers who refuse BAC testing. With the approval of a judge, anyone suspected of impaired driving who unlawfully refuses to provide a breath sample is subject to mandatory or court-ordered blood testing. The program helps ensure that prosecutors obtain the scientific evidence needed to effectively pursue cases involving alleged impaired driving.

According to the National Highway Traffic Safety Administration, there were 10,839 alcohol-impaired-driving fatalities in the United States in 2009.

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