

DUI: A Sobering Experience

By Cathy Dausman



Moraga Police Officer Krista Koppinger performs a field sobriety test.

Photos Andy Scheck



Officer Krista Koppinger

It was an uneventful morning – mild, dry and sunny – until the cruiser lights flashed in my rear view mirror. We pulled over behind Moraga’s Rheem Theatre, and Officer Krista Koppinger came to the driver’s window.

“Good morning,” Koppinger began politely. “Do you know why I pulled you over?”

I knew.

I was being tested on suspicion of DUI – driving under the influence. Fortunately, it was only a test. I was sober but enduring a scenario pre-arranged with the blessing of Moraga Police Chief Robert Priebe under the guidance of Detective Will Davis.

At holiday time especially, when making merry might mean over-indulgence, I learned drinking and driving mean more than a pit stop at the police station. It’s also inconvenient, embarrassing, time consuming and a considerable financial strain.

The field sobriety tests Koppinger administered took only minutes. She’s good at it. Koppinger estimates she pulls over “two to three” suspected DUI drivers a week in Moraga, predominantly on weekends.

I was asked to remove my sunglasses. I was asked what time it was, what day it was, whether I had any pre-existing medical conditions, whether I took prescription medication, when I’d last slept, eaten, and what I’d had to drink.

For test purposes, my answer was “two glasses of wine.” Being naturally klutzy, I’m pretty sure I failed the balance tests, even sober! Next Koppinger administered a preliminary alcohol screening (PAS) test. Since

1990 California has defined adults with a blood alcohol content of 0.08 percent or more as being DUI impaired. For minors (those under 21) as little as 0.01 percent blood alcohol content will result in license suspension.

Based on my test “failure,” my license was confiscated; I was handcuffed and placed in the cruiser’s back seat – abandoning my car and helpless now even to buckle my own belt.

“This is where the tears start to flow,” Davis said.

There followed a period of observation at Moraga Police Department. I sat chained to a chair in a holding room, a toilet available but lacking even a semblance of privacy. I awaited the administration of a second breath test or blood draw, being fingerprinted and photographed. I could also have been transported to

Martinez and jailed for two days before being released on probation.

Lawyer Amanda Bevins, a partner at Gagen, McCoy, McMahon, Koss, Markowitz and Raines, has among her clients those accused of driving under the influence. She has worked with a variety of clients, including lawyers and police officers.

Bevins said 99.9 percent of DUI charges in Contra Costa County result in an arrest. Those arrested face a court appearance which could be six months to a year out. In addition to criminal charges, a DUI triggers administrative action from the Department of Motor Vehicles. The DMV allows just 10 calendar days for the subject to contact their offices and fight an immediate Administrative Per Se four month license suspension.

Those 10 days can easily lapse, Davis said, because minds befuddled by booze are often forgetful. “I’ve had several people call Monday asking me to repeat what I told them Saturday night,” he said.

Bevins said there is no chance you’ll keep your license if you don’t call DMV on time. The wait for your DMV hearing can easily be two to three months. Additional license suspension time or revocation can follow conviction in court. After Jan. 1, the Walnut Creek court is closed to all but traffic cases, and you’ll need to get to Martinez.

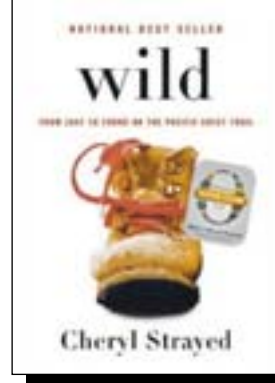
And those are just the time and paperwork headaches.

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A second breath test is performed at the Moraga Police Department.

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