

DUI 101

Continuing Education, 3 credit/hours

Presenter: Sylvia Gaylord

DUI is one of the most frequent type of cases encountered by court interpreters. Interpreters are asked to interpret elements of the roadside process leading up to the DUI, the court proceeding, and elements of the administrative process that takes place in the DMV. The class provides an overview from beginning to end focusing on relevant vocabulary that is typically encountered during arraignments, disposition hearings, and trials.

Agenda

- Part I: What is DUI?
 - Trends over time and across states: drinking and driving, legal approaches, and enforcement
 - Important concepts: implied consent; BAC threshold; DUI per se; stationary DUI
- Part II: the criminal case
 - Steps through trial and plea resolutions
- Part III: the administrative case
 - The DMV hearing
 - Suspension, Revocation, and Restoration of driving privileges
- Part IV: comments and Q&A

Step 1: Arrest OR DUI ticket without being taken into custody



ROADSIDE INVESTIGATION

EXPRESS CONSENT: the CO express consent law says that when a person gets a driver's license in the state, they are consenting to have their breath/urine/blood tested by the police if they have reasonable suspicion. Refusal to undergo a test results in suspension of license for various periods of time depending on age, if first offense, if CDL, etc. (<https://cdor.colorado.gov/express-consent>).

FIELD SOBRIETY TESTS: following officer's suspicion these tests are used to assess physical and cognitive abilities

Horizontal gaze nystagmus (HGN) is the involuntary jerking of the eye when it gazes to the side. Alcohol use exaggerates this jerking motion.

walk-and-turn test

one-leg stand test

PRELIMINARY ALCOHOL SCREENING: The officer may also administer this test using a portable breath device for an estimate of blood alcohol concentration (BAC).

Breathalyzer, Alco Sensor

MANDATORY BLOOD OR BREATH TEST: following arrest. In Colorado refusal could lead to a one-year driver's license suspension and a mandatory two days in county jail

BOOKING: Post-arrest, driver taken to a police station or a detox facility for taking personal

data, fingerprints and possibly detention.