

Lincoln Police Department

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NARRATIVE FOR PATROLMAN RYAN J LABOISSONNIERE

Ref: 09-338-AR

Entered: 06/27/2009 @ 0227 Entry ID: RLAB
Modified: 06/30/2009 @ 1359 Modified ID: RLAB

On 06/26/09 while on a stationary traffic post at the intersection of Front St. and Great Rd. in marked police unit #507 dispatch informed officers that a caller was following an erratic operator on Great Rd. passing Manchester Print Works Rd. entrance to Lincoln Woods. Dispatch informed officers that the erratic operator was approaching the intersection of Front St. and Great Rd. and gave RI REG 897-565 as the suspect vehicle.

While on the stationary traffic post I observed the suspect vehicle pass my location and take a right onto Great Rd. from Front St. I pulled out behind the vehicle bearing RI REG 897-565 at the intersection of Front St. and Great Rd. and began to observe the vehicle traveling Southbound on Great Rd. I observed the dark sedan traveling on the double yellow line with two tires in the Northbound lane and two tires in the Southbound lane from Front St. and Great until one way River Rd. Once at one way River the vehicle swerved back into the Southbound lane to avoid striking a vehicle traveling Northbound. When the suspect vehicle swerved back to the Southbound lane it was inches away from striking the curbing. At the intersection of Great Rd. and Smithfield Ave. I initiated a motor vehicle stop on RI 897-565. I activated my emergency lights and siren and the vehicle stopped in the middle of the intersection. The suspect vehicle was stopped in the middle of the intersection for approximately ten seconds. After approximately ten seconds I used my PA to order the operator to pull the vehicle over the side of the road in a safe location. After approximately five more seconds of blocking the intersection the operator complied with my commands and pulled the vehicle off to the side of the road.

As soon as the suspect vehicle pulled to the side of the road the drivers door opened immediately and I observed the operators left hand holding what appeared to be a gold badge. I immediately exited my vehicle and ordered the operator to close the door and open the drivers side window. The operator refused to close the drivers side door and put her arm back in the vehicle. At this time I approached the vehicle and observed a juvenile male sleeping in the back seat of the vehicle. I then made contact with the operator of the vehicle. On my initial approach to the vehicle I smelled a strong odor of alcohol emanating from her person and observed the operator to have watery, blood shot eyes. I asked the operator of the vehicle if her drivers side window went down and she did not reply. When I asked her if the window worked for a second time the operator who was later identified as Eunice Dejesus Delahoz (DOB 01/23/66) held up a badge. After asking Delahoz for a third time to close the drivers door, I opened the window myself and then closed the door for my safety. I asked Delahoz for her license, registration and insurance document to which she replied "I'm on the City Council in Central Falls." At this time I asked Delahoz to retrieve her motor vehicle documents for a second time. Delahoz mumbled that this is not her car and she will have to look for the registration and insurance document. Delahoz attempted to open the glove box which is located on the passengers side of the vehicle, but it was locked. Delahoz attempted to open the glove box with the key approximately ten times before she was able to get the key inside the lock. Delahoz presented a registration and insurance document. At this time O/Landry arrived on scene.

Delahoz was unable to provide a license. Delahoz stated that she went to the mall this week to buy her son a cell phone but forget her license at the store. Delahoz stated that the store should have mailed her the license by now but she has not received it. A license check showed that Delahoz has a suspended license for FTA on 11/14/08. I asked Delahoz if her license was suspended and she replied "no they gave me a paper to carry around if I get pulled over, its all set." I asked Delahoz who gave her the document and she replied "the registry." I asked Delahoz where that document was and she replied "in my other car."

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I then proceed to ask Delahoz where she was coming from and she replied a reunion. I asked Delahoz if she consumed any alcoholic beverages tonight and she replied "yes, three glasses of wine." I then asked Delahoz about how many ounces the glasses of wine were and she stated "normal." I asked Delahoz if she had eaten at the reunion and she started straight ahead and did not answer my question. I asked Delahoz who the juvenile male sleeping in the back seat was and she replied "[REDACTED]"

At this time I asked Delahoz to exit the vehicle so I could continue my investigation. While exiting the vehicle Delahoz needed to balance herself with her left hand on the vehicle the whole time while she walking the length of the car back to the rear of the vehicle. Once in the rear of the vehicle Delahoz placed her back/legs on the bumper/trunk for balance. I asked Delahoz to Submit to a Series of Standard Field Sobriety Tests to which she consented.

The first SFST which I administered was Horizontal Gaze Nystagmus. I shut off my front emergency lights and turned Delahoz so she was facing Southbound on Smithfield Ave. away from the police vehicles. Delahoz was asked if she wore hard contacts and stated no. I instructed Delahoz to stand with her feet together and hands by her side while I give the instructions for the test. During the instruction phase I observed Delahoz to sway back and forth having to separate her legs for balance several times. I asked Delahoz if she could see the tip of my pen and she answered yes. I then asked Delahoz to touch the tip of my pen with her left index finger to which she touched her nose with her left index finger. I checked Delahoz eyes for resting nystagmus, tracking ability and pupil size before beginning the test. Delahoz's eyes appeared to track normally and have normal pupil size. Delahoz did not show resting nystagmus. Delahoz was then instructed to follow the tip of the pen with her eyes and her eyes only without moving her head. I instructed Delahoz to keep her feet together and hands down by her side. Delahoz stated that she understood the directions. I observed both of Delahoz eyes to show lack of smooth pursuit, distinct nystagmus at maximum deviation and onset prior to 45 degrees. Delahoz could not follow the tip of the pen without moving his head. During the test Delahoz continued to sway, losing her balance on three occasions.

The next SFST which was administered was the walk and turn. I positioned my cruiser so we could use the fog line as a reference point for the walk and turn. I asked Delahoz if she had any injuries which would prevent her from walking in a heel to toe fashion or completing a pivot turn and Delahoz replied "yes." When I asked Delahoz the nature of her injury she replied "I don't have to tell you based on the Americans with Disabilities Act." I asked Delahoz if she needed a rescue for her ailment and she replied "no." I asked Delahoz if she would like to attempt the test and she replied "I'm on the City Council in Central Falls and I know my rights, I do not have to do anything." At this point I read Delahoz her rights for use at scene from the card in the uniform pocket in the presence of O/Landry at 2332 hours. After Delahoz was read her rights for use at scene, she was placed into custody. [REDACTED] O/Landry stayed on scene while I transported Delahoz to headquarters in marked unit 507.

I radioed O/Molis who was at headquarters at 2335 and asked him to turn the Intoxilyzer 5000 on.

Lincoln Police Department

MEMORANDUM FOR PATROLMEN KYLE J LABOISSONNIERE

Date: 07-27-09

0027
0028

Entry ID: RLAM
Modified ID: RLAM

[REDACTED] began my observation period at 2346 while I was reading Delahoz her
[REDACTED] Delahoz called Jose Castillo. At 0002 hours I asked Delahoz if she
[REDACTED] she replied "I'm not saying anything until the city solicitor of Central Falls
[REDACTED] would like to make another call to which she stated "no." I asked Delahoz
[REDACTED] chemical test before writing refused on her rights for Use at State
[REDACTED] that she has been charged with DUI 1st offense BAC unknown,
[REDACTED] with a suspended license. At 0005 hours Delahoz again contacted Jose
[REDACTED] At 0011 hours Delahoz was placed in room #2 after being

Officer processed Delahoz.

Delahoz was issued Rhode Island Traffic Tribunal citation 07406003261 for refusal to submit to a chemical test
and lane roadway violation and District Court citation 07406003260 for operating with a suspended license
and DUI 1st offense BAC unknown. Delahoz was given a town summons with an arraignment date of 07/10/09
and an RIT arraignment date of 07/13/09.

[REDACTED]

0025
Reviewed by the Department of Children, Youth and Families and made CPI Linda Benjamin aware of the
07/26/09.