



**PROTECT YOUR RIGHTS DURING A DUI  
TRAFFIC STOP**

Gerardo M. DelGado, Esq.

AMABLE LAW, PLLC

[gdelgado@amablelaw.com](mailto:gdelgado@amablelaw.com)

## **What should you do if pulled over for drunk driving?**

**Police officer:** I can smell liquor sir. Have you had anything to drink this evening?

**You:** No (if you have not). Otherwise say: I prefer not to make any statements officer.

Do NOT say I only had one beer or I had a couple but a few hours ago. This is a bad idea. The officer is not your friend and anything you say is being recorded and could potentially be used as an admission of guilt in court.

If the officer insists, "why don't you want to make any statements?" "are you hiding something?"

Again, remain cool (this could be hard to do if you are drunk), and simply repeat, "I do not want to make any statements officer."

**Police officer:** Ok. Well, I think you may be drunk. Please get out of the car so we can do a field sobriety test.

**You:** No, thank you. I respectfully refuse to take a field sobriety test officer.

Don't be intimidated if the officer gets loud. If he gives you a direct order to do the test, then proceed but make it clear that you are doing it against your own will and accord and that you are being forced to do it. You can say, "I have refused to conduct this field sobriety test but the officer is forcing me to take it." Remember everything you and the officer are saying is being recorded as well as filmed.

**Police officer:** Now, I am going to administer a preliminary breath test.

**You:** I respectfully refuse to take such test officer.

If you do take it, the PBT will provide the officer with a reading of how much alcohol is in your system. This is evidence that will be used in court against you.

**Police officer:** you are under arrest for driving under the influence.

During the ride to the station, the officer may want to talk to you. Ask you about why you were drinking? That you shouldn't drink and drive, etc...

**You:** Do NOT engage in conversation with the officer. He is not your friend. He is not a taxi driver taking you home. He just arrested you and is taking you to jail. Give him your personal info: name, address, date of birth, social security number and that's it.

If he asks you questions, just say: "I don't want to make any statements." "I want a lawyer."

## **AT THE STATION**

At the station the officer will ask you to take another breath test. This time you should comply with the request. If you do not comply with the request, you will be charged with refusal to comply with breath test. This is a civil charge that carries a penalty of suspension of driver's license of 12 months with no possibility of obtaining a restricted license. So, just comply with the request. Even if you are convicted of drunk driving later on, your attorney can work out an agreement with the Commonwealth where you can obtain a restricted license.