

Translated as best as possible from police recording by Marvin Pirila

In March of 2019, a police officer pulled over a pickup truck, alleging he wasn't wearing his seat belt. The driver had it on and said he always does. The officer proceeded to run a background check and found he had a B card. The B-Card is a Minnesota restricted license that doesn't allow a motorist to consume any alcohol or controlled substance (without a prescription). [Pulled over for not wearing a seat belt]

[At the station]

If the test is unreasonably late or you refuse to make a decision...you...to perform the test [considered failed]. Do you understand what I have just explained?

"Yep."

Do you understand what I just explained?

"Yes."

Do you wish to consult with an attorney?

"Yeah, I think I will try to call one, if you have a phone number..."

Yep.

"Why not."

So, here's one and there's a couple more up there. Here's a yellow book...and that's the DWI directory. You have your phone on you so.

"Alrighty...appreciate it.

[Minutes pass as suspect searches phone numbers. Gives up trying.]

"I'm done trying to call a lawyer."

Do you want to want to give up trying or do you want to keep trying?

"I might as well give up."

Okay, alright, that's completely up to you so. I just want you to know you still have the opportunity to keep trying.

"How long do I have to try, whatever?"

It kind of depends on the circumstances, okay. If you're actually, legitimately trying to get hold of somebody...

"Which I am."

Like you are right now I can give you quite a bit of time.

"Let me try some more."

Okay, keep on going.

[Minutes pass]

"Is this Cassandra, this is [REDACTED]. I spoke to you about three weeks ago about someone else. I was seeking some advice from a lawyer...I got pulled over on suspicion of a DWI. I'm just wondering what your thoughts are on taking the test?"

[Indistinct phone voice]

"Alright, thank you, goodbye. That's all I needed to know."

"Yeah, I'll take the test."

Okay, alright.

"I didn't want to screw you up by taking it, not taking it, just wanted to be sure."

That is no problem. I fully understand.

[Scanner chatter]

Alright, let me check your mouth again. Open up your mouth again.

"Ahh"

Let me know if you burp or anything comes up or something like that. Okay, reason if you have one of those it could give you a higher reading...benefit of the doubt.

[Minutes pass]

[REDACTED] for height and weight [Officer reading license information]

"Not that heavy anymore."

205

"Yeah."

I'm going to read through a few things as we go and make sure you understand...let me know if you have any questions or anything.

So, [REDACTED] you were born [REDACTED] ...violation of Minnesota DWI law. You have been placed under arrest for this offense. Minnesota law make you take a test to determine if you are under the influence of alcohol. Do you understand that?

"Sure."

Refusal to take a test is a crime. Do you understand that?

"Yep."

Performing or making a decision while testing you have the right to do so...if you are unable to contact an attorney you must make the decision on your own. You must make your decision in a reasonable period of time. Do you understand that?

“Yeah.”

“Can I use the bathroom quick?”

I’m going to have you hold off on it until you’re done with the test. Is that fine?

“Yeah. Just so there’s an end in sight.

It’ll be 10 to 15 minutes and we will be done.

[Clicking]

I have to ask this last question. It’s a little redundant. Will you take the breath test?

“Sure”

I know you said that already but I wanted it on here.

[More clicking then some scanner chatter]

“Did you call or what?” [Suspect on phone] “Oh nice, where are you?..I’m about to take this test. Alright, bye.”

I’m going to grab your chair and bring it out here.

[Indistinctive talking]

[Long silence during testing]

[Clears throat]

[Shuffling furniture]

This test... [Indistinct chatter]

[Silence]

[Air compressor sound]

[Smack]

[Silence]

[Air compressor sound]

[Smack (like that of a ruler hitting a wood desk.)]

[Clinking like alarm]

Hold it...long hold steady. When I say blow in it I want you to hold it. Keep going...keep going...Keep blowing, blowing, blowing, keep going.

[Smack]

[Smack]

[Air compressor sound]

[Smack]

[Smack]

[Smack]

[Smack]

[Compressor]

[Silence]

[Smack]

[Alarm going off]

...take the lower of the two.

[Jingling]

Keep going, going, uhh, hold it steady...alright, stop...no, it still wants you to keep going, keep going, going, going.

[Smack]

There we go.

...took a little bit of energy to get there

...similar but...and it seem like there's a lot of resistance when you blow...slow and steady

"Um humm."

[Smack, blower sound, then something falling over)

...for a bit...so you have a prescription for [REDACTED] you said.

"What's that?

You have a prescription for [REDACTED] you said?

"For what?"

What type of prescription do you have?

[REDACTED]

[REDACTED] excuse me. Now with that, that is a prescribed narcotic.

"Yeah."

Can you think of anything else today then?

"I have other medication like ... [REDACTED]."

Did you take that as prescribed today?

"Yep."

Nothing out of the ordinary. Okay. Alright. Your eyes are super bloodshot.

(Laughing). I know, I just noticed that. I think it's because I'm just that tired. Okay.

"Okay, here's the situation. Your license is no use of alcohol or drugs. You ain't... I will give you a copy of the breath test. It's better that you took the test because you were under the legal limit.

"I knew it would be close."

Well, so as a result of that I'm going to, ah, do up a report on that and...then send it to the county attorney to look at. It's up to them if they want to prosecute the B card violation.

"Okay."

Okay. Kinda lower on the side, but I think if, if your just tired or a combination of drugs/alcohol you displayed/clues of intoxication.

"Yeah I guess I couldn't see myself but when I looked in the mirror said holy [REDACTED]. I think it's because I'm tired."

Because of that..so because of your refusal of the B.A.T. on the side of the road, which you don't have to take..

"I apologize."

That's fine, that's fine. Just so you know, that's why you were arrested and had to go through this process. Just so we're on the same page. Alright. My thought is always be honest with you, you be honest with me. Okay. So I think we're both on the same page now.

"Yeah."

Okay, you're not going to be charged with a DWI. I'll let them decide on the B card violation. Umm, as for the vehicle goes that's between you guyses (sic).. We don't have any holds on it. You can pick it up tomorrow for all I care.

"Where would that be?"

....

"I'll just have to call him."

Yep, yep. Umm, here's what I would say. You do have B card violation obviously and I'm guessing they are probably going to press charges. It's a gross misdemeanor. I'm not sure what it does to your license or something like that but I'm guessing...exactly. So, here's what I would say. I'm going to offer chance

to withdraw it if you want too. I know you know people. I know you're able to talk to people and get in places that obviously wouldn't. So, what would you do with that idea?

"Nothing at this time but I can look into it, you know."

Okay, okay.

"I have been asked because I'm associated with people so."

Okay, so think about that.

"Hmm hmm."

And this would eliminate even sending over, okay, the stuff to the county attorney...or if it did get sent over it would have a note attached.

"Right."

It was worked out, everything.

"Just so you know I have worked with [REDACTED] for no reason so."

And that's just it, I know you have done stuff in the past. You know..

"It's not that I'm out to get someone it's just..you hear stuff for so long, it's well. There you go."

Yep. Is that something you could do?

"Umm humm."

You know, its, as of now, if I was more into it I would go further and probably find in recent history you used something that would result in a DWI but I'm not going to use that tonight. Okay.

"That's cool."

Fair is fair you know. So, as far as that goes, umm, I can give you a ride home if you want. The pistol, I'm going to have to keep and have you pick up at a time you have gotten some rest.

"Just here though?"

It will be here. I'm just going to have to find the serial number on it too.

"Look on the barrel I think."

I will. I looked at the barrel.

[About checking with owner about the gun]

"Don't do that."

Why not?

"He had a [REDACTED]." Medical condition.

So , that all said, I can give you a ride home.

"I can just walk to [REDACTED], it's fine."

Okay, alright, let me make sure I have all of your stuff. Let me go out to the squad and get that.

"Okay, you have my wallet?"

Yep, yep, so hang on there and I'll be back. [Gone a few minutes] Alright, have your driver's license here and your wallet and your medication. There anything else?

"I'm glad I thought of that wallet. I suppose I took it out..."

Yep, yep.

"Got my license out."

Exactly, so, any questions for me, any concerns.

"No, you're just doing your job man."

Alright, I will let you get on your way here tonight. Umm, give me a call or something next week. Think about it over the weekend.

"Yep."

I won't be in this weekend so. Give me a call Monday.

"Okay."

Sounds good.

"Thank you."

You can go right out back this way. Get you in the right direction."

"Alrighty."

Well, you have a good weekend.

[From a stop predicated on the suspect not wearing his seatbelt, who was, an arrest for suspected DWI was made. Two breath tests at the station verified he wasn't under the influence. Nonetheless, the suspect had his car impounded and had to pay for its return. The 'discovery' of his B-card would not have occurred without the stop, which seems to have been weak at best. The posturing and threat of taking his or her license, led the suspect to consider the officer's request to be an informant. The ultimate decision isn't recorded, but it seems apparent what the alternative choice was. The officers claim that he could probably have charged him with a DWI in the past is irrelevant and was posed only to coerce the suspect into cooperation. Whether or not allowing individuals to co-op a deal with the police for information in exchange for a lighter sentence or no charges whatsoever is good for the community is debatable. If the person likely to bring down higher level criminals, then maybe. But if it's for petty misdemeanors and same level offenses, then why? Perhaps the biggest question is, is it okay for officers to make highly questionable stops with ulterior motives? At what point does the state consider it a violation of a person's constitutional right to stop them for mere speculation? The possession of a driver's license doesn't allow an officer to trample your rights just because you are

driving. It doesn't matter what time it is, who you are, or they think you might be drunk. Old fashioned police work means have a reasonable, justified reason for pulling someone over. Thinking something is probably true isn't evidence.]