

What happens when you get caught

by ALISA DeMAO

Yes, it's true, Chapel Hill really is the beer capital of the world — we drink more per capita than anywhere else in the United States. The problem is, that kind of accomplishment can get someone into a lot of trouble.

10-55 — DRUNK DRIVER

Mention the dangers of alcohol and everyone immediately thinks "driving while impaired" — D.W.I. This most obvious alcohol offense is a major reason for the recent crack-down on alcohol. MADD — Mothers Against Drunk Drivers — carries a lot of political weight, and these women are the ones who are getting laws passed and changed.

Many people don't realize the effect a D.W.I. may have on their academic career. Officer S.S. Barnes of University police tells of one third-year Duke University law student he pulled over for D.W.I. in spring of this year. It was the student's second D.W.I. He was subsequently asked to leave school.

People think they know everything about the D.W.I. process, but there are several small details that should be considered before taking the risk of getting behind the wheel while impaired.

To start with, the police can stop someone for anything: expired registration, expired inspection, mechanical failure (such as having a headlight or taillight out). If they smell alcohol on the breath, see open alcohol in the car or feel that the driver's judgement is impaired, they can test them for D.W.I. Other clues that point to an impaired driver include consistent speeding, failure to signal on turns and failure to turn on headlights at night, as well as the more obvious reckless driving.

But it is not necessary to actually drive anywhere in the car to qualify for a D.W.I. Simply getting in a car and starting it is grounds enough.

Field tests for impaired judgement include reciting the alphabet, walking a straight line and standing on one leg while counting. Because of the impairment of both motor skills and judgement, it becomes surprisingly difficult to do many of these simple actions. Most people find it difficult to even stand on both feet, eyes closed and head back, and count to 20. The effort it takes to count prevents them from concentrating on standing still and they sway back and forth because they can't do both things at once.

Of course, everyone knows people who practice these tests while they're drunk in order to be able to pull them off with poise.

But there is one test — the pen test — that it is impossible to pass while impaired by alcohol. The driver focuses on a pen clip and attempts to follow it up and down and from side to side with their eyes, but without

moving his or her head. At a blood alcohol content (BAC) percentage of .09 or .10, the pupils will bounce when they reach the visual limit on either side. This cannot be controlled — it is caused by a loss of muscular control due to the alcohol. And at a

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BAC over .10 (which constitutes legal intoxication), the person usually can't even keep their head still.

Officers use different strategies depending on the season; in the winter when the cold air hits someone it may straighten them up, so the officer may sit them in the patrol car where it's warm and talk to them in order to see how well they are able to respond.

Those who spent Saturday night on a binge should remember that just because they went to sleep does not mean they are no longer legally intoxicated when they wake up on Sunday morning. Early mornings, especially Sundays, are a prime time for D.W.I.'s, Barnes said.

People often pass out or go to sleep at someone's house hoping to sleep it off. They wake up in the morning and realize they have to make it home. Few drinkers realize that they are still legally impaired.

Another thing to keep in mind is that the law prohibits open liquor, fortified wine or mixed drinks in the passenger area of a vehicle. The passenger area includes the glove compartment and under a seat. The driver can be charged with a misdemeanor for this offense. Unsealed liquor should be carried in the bed of a truck or in the trunk of a car.

Beer is presently an exception to this. The law prohibits the driver, but not the passengers, from carrying open beer in the passenger area of a vehicle. It is legal as long as the driver is not in possession of a beer. But obviously if someone is stopped with three passengers who have four open beers, the police officer will realize what is happening.

After January 1, possession of open beer in the passenger area of a vehicle will be a misdemeanor.

For drivers, it is imperative to remember that D.W.I. stands for Driving While Impaired. This means subject to any impairing substance, not simply alcohol.

10-57—BREATHALYZER

The body burns alcohol at a rate of approximately one drink per hour, or .01 to .02 BAC/hr. Most people think that if they are taken to the police station for a breathalyzer, their BAC will have time to go down enough to register below .10. But it is just as probable that their BAC has the opportunity to go up because all of the alcohol hadn't reached their

bloodstream when they were first questioned. BAC levels go up much more rapidly than they come down.

Contrary to popular belief, sucking on a penny or a piece of potato won't take the alcohol off of someone's breath and it will definitely not affect a breathalyzer test outcome.

Another common misconception is that blowing lightly in a breathalyzer will favorably affect the outcome. All this does is force the drinker to have to take the test again. The police will continue until he or she takes a deep breath and exhales entirely to release the last bit of air in the lungs.

The police have the option of either giving a driver a breathalyzer test or taking them to the hospital for a blood test. The driver is taken to the police station to undergo a

will not necessarily require a court appearance, but the \$50 will still have to be paid. What the drinker may not realize is that a misdemeanor goes on his or her permanent police record.

Anyone who is 19 or 20, however, is merely guilty of an infraction. This simply results in a \$10 fine. *The charge doesn't appear on the drinker's record.* Unfortunately, many people don't realize this and attempt to hide their alcohol or run from the officer. This only makes the charge worse; it then becomes "obstructing justice" and goes on the record.

"It's very important that they understand this," says Master Officer T.A. Pressley of the Chapel Hill police. "It would be silly to make a non-crime a crime, especially when it is in the student's hands... I don't condone breaking the law, but if you

goes on the drinker's record — to consume alcohol in public areas or buildings. This includes sidewalks, public parking lots, alleys and city-owned buildings.

University regulations allow a drinker on campus property to be in possession of alcohol only in a dorm room or in certain designated parking lots. A fraternity house parking lot is not private property. Students can be prosecuted in Honor Court for this offense.

For an alcohol offense a drinker can receive an oral warning, a written warning, a ticket, or be arrested and taken into custody, at the officer's discretion.

STUPID THINGS PEOPLE DO (AND WHAT CAN HAPPEN TO YOU)

Penalties for things people do when they're drunk can also be severe.

Damage to property, which includes breaking windows and egging buildings, is a misdemeanor — it goes on a person's permanent record. One of the most destructive forms of this type of "fun" is tearing off parking lot gate arms. The University is beginning to remove them on Friday afternoons because this occurs so frequently.

Another favorite pastime, stealing furniture out of residence hall lounges, may lead to a charge of breaking and entering, a misdemeanor — and felonious larceny, a felony. And yes, climbing over the fence and into Kenan Stadium is a misdemeanor for breaking and entering.

Policy for this type of offense is changing on campus; the university does not necessarily prosecute through the Honor Court anymore. Instead, offenders may be prosecuted through regular criminal court — which guarantees that they will have a criminal record.

The worst stories are those of the girls who have been taken advantage of. Some of them don't even remember what happened or if they gave consent. Peggy Norton, of Women's Health at Student Health Services, says, "I only know of one rape that neither party had been drinking. That's for about the last eight years."

Drinking has other hazards as well. "Cameron Avenue grows traffic bumps overnight," says Barnes — meaning people who pass out in the road. A considerable portion of a University police officer's job, at least on third shift, seems to consist of collecting drunk college students from the streets, trying to find some ID in order to find out where they live, and taking them home and tucking them into bed.

If someone is drunk and doing something stupid, they're going to be arrested. "It's the things that are happening after you're drinking that are getting you in trouble," Barnes says.

Next Week: The Social Aspects

ALCOHOL at UNC

PART ONE: THE LEGAL ASPECTS

How not to be stupid

There are a few helpful hints for alcohol consumption that every student should know. These can spare you a lot of grief.

1. To dispel the ancient myth that carrying alcohol in a cup will let you avoid awkward questions — the police *will* ask you what you have in the cup.

2. Don't just drop your beer or your cup when you see a police officer. What you'll end up with is a \$250 fine for littering.

3. Don't think you can get out of it by dumping your beer. There's no way you can get every last drop out of your cup. This only makes the officer label you as uncooperative.

4. You *do* look stupid and obvious when you try to hide your beer.

5. Above all, don't lie to the police about your age or try to run from them. Delaying and obstructing justice is a misdemeanor.

If you're going to drink, do it in your room. There, at least the police won't catch you.

— A.DeM.

breathalyzer in front of a witness. If he or she refuses to take the test, it goes down as an official refusal. An official refusal can be brought up in their court hearing.

UNDERAGE POSSESSION: TOWN & UNIVERSITY REGULATIONS

Most people know that underage possession is illegal, but few realize the penalties that accompany it.

In North Carolina the legal drinking age is 21. Any younger age constitutes underage possession. What many people don't know is that different age ranges carry different penalties.

Anyone who is 16, 17 or 18 and is found in possession of alcohol is guilty of a misdemeanor. This requires the payment of a \$10 fine, as well as another \$50 for court costs. Unlike a D.W.I. charge, underage possession

do, please make it easy on yourself. Just say "You got me."

The use of the infraction for 19- to 20-year-olds began when the drinking age was raised from 19 to 21. The General Assembly felt it appropriate to give the people in this age group, who were allowed to drink one day and not the next, some leeway. The original 19- and 20-year-olds reached the age of 21 two to three years ago, but the use of the infraction remains. Not for long, however. The N.C. General Assembly is expected to make 19-20 year underage possession a misdemeanor during this session. It is highly probable that by this time next year 19- to 20-year-old underage possession will go on the drinker's permanent record.

There are also laws and regulations of which drinkers over 21 should be aware. Chapel Hill has a public consumption law which makes it a misdemeanor — a \$10 fine which