

Victims

Witnesses

Other Entities

Properties

Narrative

7/16/2018 2:56:00 AM	1606 - Olson, Christopher W
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VALLEY CITY POLICE DEPARTMENT

DATE: 07/16/18

CASE #: VC-18-00474

OFFICER: Christopher Olson

SUSPECTS: Warren S Lindvold

INCIDENT: Driving under the influence

NARRATIVE

1. On 07/15/18, at approximately 0042 hours, I, Officer Christopher Olson, was on patrol heading eastbound in the 300 block of Main St E. I observed a tan Buick Lacrosse [REDACTED] directly in front of me and also travelling eastbound. I noticed the vehicle was moving at an extremely slow rate of speed, and was slowing drifting to the right side of the road. The vehicle then increased its speed and drifted left, nearly touching the centerline of the roadway. The vehicle then drifted back to the right until it was in the center of the eastbound lane. I then observed the vehicle begin to make a southbound turn onto 5th Ave SE. The vehicle turned too widely while making the turn, went completely into the northbound lane of 5th Ave SE, and hit the curb on the east side of 5th Ave SE. I initiated my emergency lights as the vehicle approached the intersection with 3rd St SE, and followed it as it turned eastbound onto 3rd St SE. The vehicle struck the curb on the south side of 3rd St SE as it made the turn, and stopped a short distance later. I pulled in behind the vehicle and came to a stop. While preparing to exit my patrol vehicle, the vehicle pulled away and continued eastbound down 3rd St SE. I initiated my siren and followed the vehicle until it stopped near the intersection of 3rd St SE and 6th Ave SE, where the traffic stop was made.

2. I exited my patrol vehicle and observed the driver (identified as Warren Lindvold) exit his vehicle. As Lindvold stood next to his vehicle, I noticed he kept one hand on his vehicle to maintain his balance. I introduced myself and asked Lindvold if he knew why he had been stopped. As Lindvold replied "No", he stumbled backwards into the side of his vehicle. I explained to Lindvold the reason for the stop was because he turned too widely while turning onto 5th Ave SE and had struck the curb. While speaking with Lindvold, I noticed an odor of an alcoholic beverage emanating from him. I also noticed Lindvold's eyes were bloodshot and watery. While looking for his driver's license, I noticed Lindvold had to lean into his vehicle in order to maintain his balance. I also noticed he had difficulty grasping the pockets in his wallet while looking for his license. After obtaining his license, I asked Lindvold to retrieve his registration and proof of

insurance from his vehicle. I again noted Lindvold had to keep a hand on his vehicle in order to maintain his balance. While looking for his insurance, I asked Lindvold if he had anything to drink tonight. Lindvold informed me he had nothing to drink, and stated he was willing to perform field sobriety tests. While walking to the front of my patrol vehicle to conduct testing, I again noticed Lindvold appeared unsteady on his feet and had to lean against his car while walking. Once Lindvold reached the front of my patrol vehicle, he leaned forward onto the hood with both hands.

3. I turned off my emergency lights and joined Lindvold at the front of my patrol vehicle. I confirmed Lindvold did not suffer any recent head injuries, does not normally wear glasses or contacts, does not have naturally occurring nystagmus, and does not take any medications that affect his eyesight. While speaking to Lindvold, he continued to lean back against my patrol vehicle. I explained the horizontal gaze nystagmus test to Lindvold, and asked him to touch the tip of the pen he was asked to track with the tip of his right index finger before beginning the test. Lindvold placed his entire right hand over the pen, touching the tip of the pen with his palm, before moving his hand down so his index finger was on the tip of the pen. I again asked Lindvold to touch the tip of the pen with the tip of his right index finger. Lindvold touched the pen with the tip of his right index finger approximately one inch below the tip of the pen, and then moved his finger up so the tip of his finger was touching the tip of the pen. Before beginning the HGN test, I confirmed Lindvold's pupils were equal in size and tracking and no resting nystagmus was present. During the test, Lindvold looked straight forward at me multiple times instead of tracking the pen; and had to be re-directed to the pen. During the HGN test I observed lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in both eyes, and onset of nystagmus prior to 45 degrees in both eyes. I again asked Lindvold if he had anything to drink tonight. Lindvold stated "Nope". I informed Lindvold his eyes were showing that he had been drinking, and asked him how much he had to drink. Lindvold stated "Nothing". I asked Lindvold to be honest with me. Lindvold stated he had "a couple drinks". I asked Lindvold what kind of drinks they were. Lindvold stated they were "brandy 7's". Lindvold informed me he had those two drinks approximately one hour ago. I asked Lindvold if he would be willing to do additional field sobriety tests. Lindvold stated he was not willing to do any more tests.

4. I read Lindvold the screening test portion of the North Dakota Implied Consent Advisory, and asked him if he was willing to take a preliminary breath test. Lindvold informed me he was willing to take the preliminary breath test. I instructed Lindvold to blow steadily into the PBT at the tone. Lindvold blew very forcefully into the PBT and did not have a complete seal around the straw, resulting in an insufficient sample. Before the second attempt I instructed Lindvold to blow steadily rather than forcefully into the straw. Lindvold again blew forcefully into the straw for a brief amount of time, and then stopped blowing. I again instructed Lindvold to blow steadily into the straw, and gave him an example of how to blow. Lindvold blew lightly into the straw for a brief amount of time. I allowed Lindvold numerous attempts to provide an adequate breath sample on the PBT, but he continued to blow far too lightly and without an adequate seal. Lindvold also blew intermittently on multiple attempts, despite my instructions. A capture reading was able to be taken on one of Lindvold's attempts, and showed a .03. After affording Lindvold numerous opportunities, it became apparent that he would not follow my instructions to provide an adequate breath sample.

5. Due to Lindvold's driving behavior, his difficulty maintaining his balance, odor of an alcoholic beverage, bloodshot and watery eyes, and 6/6 clues during the HGN test, I informed Lindvold he would be placed under arrest for DUI. Lindvold stated "No I'm not." I informed Lindvold he was under arrest and would acquire additional charges should he try to prevent his arrest. At approximately 0057 hours, I placed Lindvold in properly fitted handcuffs behind the back. I read Lindvold the chemical test portion of the North Dakota Implied Consent Advisory, and requested he take a chemical breath test. Lindvold informed me he was willing to take a chemical breath test. Lindvold had no issues standing or walking on his own power up to this point of the traffic stop, only issues with maintaining his balance. After informing Lindvold he would be placed in the backseat of my patrol vehicle, he refused to walk under his own power. Lindvold at one point stated he would go back to his car and I would go to jail since I would not take the handcuffs off of him. Lindvold then stated we would have to drag him. Lindvold further stated "Then I'm gonna stay here until morning" after again being told his handcuffs would not be removed. Sergeant Wade Hannig and I each took a hold of Lindvold's arms

to assist him in walking as he refused to walk to the back of my patrol vehicle. After taking hold of Lindvold's arms, he attempted to pull himself down to the ground and away from officers. Upon being asked to stand up, Lindvold stated he would not stand up until the "calves" were taken off. Lindvold had to be lifted up and into the back of my caged patrol vehicle, as he continued to pull his body weight downwards. En route to VCPD, Lindvold demanded to be taken out of handcuffs.

6. Once at VCPD, Lindvold refused to get out of the back of my patrol vehicle under his own power. I asked Lindvold if he was still willing to take the chemical breath test, and he stated he was willing to take the test. Lindvold was removed from the patrol vehicle by officers as he would not exit the vehicle on his own. Lindvold's handcuffs were moved from behind his back to the front of his body in an effort to get him to walk on his own. Lindvold continued to pull away from officers, trying to slump onto the floor. It took considerable effort to keep Lindvold from pulling himself to the floor, and eventually he was assisted to a seated position on the ground. Lindvold was informed if he continued to struggle with officers, he would be marked as a refusal on the chemical breath test. Lindvold was given numerous opportunities to cooperate, but continued to struggle against officers as we attempted to help him walk. Lindvold was informed he would be marked as a refusal on the chemical breath test due to his refusal to cooperate, and had to be lifted back into the backseat of my caged patrol vehicle. Lindvold held onto the open back door of my patrol vehicle, and attempted to pull the opposite way as officers tried to place him in the backseat. It took considerable effort to place Lindvold back into the patrol vehicle.

7. Once at Barnes County Corrections, Lindvold again had to be removed from the backseat of my patrol vehicle and assisted into corrections. Once inside, Lindvold requested medical attention for pain in his shoulders. Lindvold was transported to Mercy Hospital by Barnes County Ambulance, where he was medically cleared. Lindvold walked out of Mercy Hospital on his own power, with officers only helping him to maintain his balance. On our way back to my patrol vehicle, Lindvold asked me if officers had brought his car to Mercy or if he was going to be dropped off at his vehicle. Lindvold was informed he was still under arrest, and was going back to corrections. Upon being told he was going back to corrections, Lindvold attempted to drop to his knees. Officers had to again assist Lindvold back to my squad car, as he tried to pull his body down to the ground. Lindvold was again lifted into the backseat of my caged patrol and transported to Barnes County Corrections.

8. Officers had to remove Lindvold from my patrol vehicle and assist him into corrections as he would not walk on his own. After being changed into corrections clothes and informed he would be placed in a cell, Lindvold again refused to walk under his own power. Lindvold had to be assisted back to his cell by officers and corrections staff. While moving Lindvold to his cell, he continually grasped anything he could get a hold of to pull himself away from officers. I had to follow behind Lindvold as he was being moved to the cell and remove his hands from objects as he struggled to pull away from officers. After considerable effort, Lindvold was finally able to be placed in a cell. I left Lindvold's copies of the Report and Notice form and citation with corrections staff.

Christopher Olson
Valley City Police Department

Evidence Checklist

Additional Evidence Items?

Video Recording

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