



DEPARTMENT OF THE NAVY  
COMMANDING OFFICER  
NAVAL AIR STATION  
700 AVENGER AVENUE  
LEMOORE, CALIFORNIA 93248-6001

IN REPLY REFER TO:

NASLEMINST 5560.9D  
N3AT

**AUG 19 2014**

NAS LEMOORE INSTRUCTION 5560.9D

From: Commanding Officer, Naval Air Station Lemoore

Subj: DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

Ref: (a) DoDI 6055.04  
(b) OPNAVINST 11200.5D  
(c) NASLEMINST 5510.6F  
(d) OPNAVINST 5585.2C  
(e) CNRSW SOP # 4020 SOBRIETY CHECKPOINT LOW STAFFING, dtd  
04FEB2010

1. Purpose. To provide policy and procedures for detecting, apprehending, and prosecuting personnel onboard Naval Air Station (NAS) Lemoore for Driving Under the Influence (DUI) of alcohol or drugs.

2. Cancellation. NASLEMINST 5560.9C

3. Background. References (a) through (e) mandate vigorous measures designed to increase the probability of apprehension of drunk or drugged drivers, to increase scrutiny by NAS Lemoore's Security Detachment for drunk or drugged drivers on weekends and paydays, and to maximize the use of alcohol breath testing instruments to identify drunk drivers in conjunction with expanded use of random vehicle inspections and check points.

4. Policy. It is NAS Lemoore's policy to prevent driving while under the influence of alcohol or drugs by detecting, identifying, apprehending, prosecuting, educating, and counseling intoxicated drivers. The goal of NAS Lemoore is to reduce fatalities, injuries, property damage, and lost time from driving under the influence of alcohol or drugs. The operation of privately owned motor vehicles onboard NAS Lemoore is a conditional privilege extended by the Commanding Officer (CO) under applicable federal laws and as delineated by reference (b). Reference (a) mandates installation driving privileges be preliminarily suspended upon apprehension for DUI and makes revocation of installation driving privileges for one year mandatory when any person is found guilty by civil court, courts-martial, Article 15 of the Uniform Code of Military Justice (UCMJ), or by NAS Lemoore administrative procedures of driving while intoxicated or under the influence of any narcotic or drug.

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5. Applicability. This instruction sets forth the enforcement procedures to be utilized in detecting and apprehending intoxicated drivers. The Staff Judge Advocate (SJA) shall establish liaison and cooperate with military and civil law enforcement agencies, courts, and activities to carry out the intent of this section.

6. Procedures

a. Security post sentries and patrol officer personnel shall be vigilant in observing drivers for unusual or erratic driving performance. Vehicle operators demonstrating this behavior shall be stopped and the patrol officer will ascertain if the operator appears to be impaired by alcohol or drugs. Procedures to determine if the driver is under the influence of alcohol or drugs will be conducted as follows:

(1) The patrol officer will approach the vehicle and ask for an identification card, driver's license, proof of insurance, and vehicle registration.

(2) Upon determination that the operator may be under the influence of an intoxicating substance (e.g., odor, slurred speech, poor coordination, etc.), the patrol officer will conduct a series of Standardized Field Sobriety Tests (SFSTs).

(3) Probable Cause Determination. Upon completion of the SFSTs, the patrol officer must make an objective and valid determination as to the existence of probable cause to apprehend or arrest. If the initial Preliminary Breath Test scores .08 or higher Blood Alcohol Content (BAC), the individual will be detained for further processing. At BACs below .08, the patrol officer must make a determination, based upon a totality of the circumstances (including results of an SFST), whether the subject is intoxicated. If a subject appears to be intoxicated with a low BAC, this may indicate intoxication due to drugs or other substances and may warrant imposition of other tests or a Drug Abuse Recognition (DAR) Examination. The patrol officer must consider all evidence collectively. This includes the initial traffic violation, the driver's actions during the stop, observations made when contacting the driver, balance and perception during preliminary questioning, and performance during the SFSTs. If the subject passes the SFSTs, and there are no other indications of intoxication, the subject will be returned to their vehicle and allowed to continue on their way. If in doubt, contact the Watch Commander.

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(4) Individuals under 21 years of age driving under the influence of any amount of alcohol will be taken into custody and processed for DUI. Suspects under 21 years of age taken into custody for DUI will be barred from driving onboard the installation for one year. Civilians will be promptly turned over to the appropriate civil authority.

(5) Military Violator. If upon completion of SFSTs and a Preliminary Breath Test the patrol officer believes probable cause exists, the driver will be apprehended and informed of the violation. A search incident to apprehension will be conducted for weapons and destructible items of evidence. The Watch Commander will notify Dispatch of the possible DUI and request California Highway Patrol (CHP) respond for further processing.

(6) Civilian Violator. When processing civilian violators, jurisdiction must be considered. If upon completion of SFSTs the patrol officer believes probable cause exists, the driver will be detained. A search incident to arrest will be conducted for weapons and destructible items of evidence. The Watch Commander will notify Dispatch of the possible DUI and request CHP respond for further processing. Provisions for lower BAC and specific statutes address underage violators and commercial vehicle operators. Section 13 of title 18, United States Code, will be used to assimilate the most appropriate section of the applicable state vehicle code.

b. Vehicle Impounds. The suspect's vehicle and other personal property in the possession of the suspect at the time of the apprehension or arrest becomes the responsibility of the patrol officer. If the vehicle is lawfully parked, the patrol officer will ensure the doors and windows are secure. If the vehicle is not lawfully parked, it will be towed and impounded at the owner's expense. At no time will a patrol officer drive the suspect's vehicle or release the vehicle to a person other than a registered owner.

  
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