



Status	Approved
Report Type	Incident
Primary Officer	Alexander Welch
Investigator	None
Reported At	12/15/23 23:36
Incident Date	12/15/23 23:36
Incident Code	DUI : DRIVING UNDER THE INFLUENCE
Location	11TH ST W / 32ND AVE W, WILLISTON, ND 58801
Court	None
Ereferral County	None
Summary Of Incident	
Disposition	Charges Filed
Disposition Date/Time	12/16/23 01:59
Review for Gang Activity	Not Applicable
Asst Officers	
52D - Burgess, Anthony	
Marsy's Law Card Given	No
Marsy's Law Invoked	No
Unit Number	23
Video	Yes
Audio	Yes

Offense Information

Offense	Open Container Alcohol In M/V
Statute	10-135
NIBRS Code	90G - Liquor Law Violations
Counts	1
Include In NIBRS	Yes
Completed	Yes
Details	Offender(s) Used Alcohol
Bias Motivation	None (no bias)
Location	Highway/Road/Alley
Entry Forced	No
Offense	Operated M/V Bac .080% Or > //Actual Physical Cntrl//1stoff
Statute	10-12
NIBRS Code	90D - Driving Under the Influence
Counts	1
Include In NIBRS	Yes
Completed	Yes
Details	Offender(s) Used Alcohol

Bias Motivation None (no bias)
Location Highway/Road/Alley
Entry Forced No

Offense Refusal to Provide Chemical Test
Statute 10-12(2)
NIBRS Code 90D - Driving Under the Influence
Counts 1
Include In NIBRS No
Completed Yes
Details Offender(s)
Used
Alcohol
Bias Motivation None (no bias)
Location Highway/Road/Alley
Entry Forced No

Arrestee

RIOS, NICOLAS

Male, 


10-12 - Operated M/V Bac .080% Or > //Actual Physical
Cntrl//1stoff
10-12(2) - Refusal to Provide Chemical Test
10-135 - Open Container Alcohol In M/V

Primary Report By Alexander Welch, 12/16/23 02:16

Case #PD-IR2314849

Typed By Alexander Welch

On 12/15/2023, Officer Welch was on uniformed patrol in a marked patrol car for the Williston Police Department in Williston, Williams County, North Dakota. Officer Welch responded to the 2100 block of 11th Street West to assist an officer on a traffic stop, who had a vehicle stopped for failure to maintain its lane at 23:36 hours. Officer Welch arrived on scene of the traffic stop at 23:39 hours. The stopped vehicle was identified as a 2018 black in color Ford F150 bearing North Dakota plate 277DVG being driven by NICOLAS RIOS [REDACTED]

Officer Welch observed an open bottle of Corona beer in the rear drivers side door pocket. Officer Welch inquired into the open container with NICOLAS. During Officer Welch's inquiries, he observed NICOLAS to have slurred speech and an issue constructing sentences. Officer Welch observed a wrist band on NICOLAS'S right wrist. NICOLAS stated the wrist band was from a local bar "Pete's Brewhaha". Officer Welch asked if NICOLAS had consumed any alcohol. NICOLAS stated he had consumed three beers approximately 6 hours prior.

Officer Welch began to conduct a DUI investigation, deprivation period was started and NICOLAS'S mouth was checked and found to be clear of any foreign objects.

Officer Welch requested NICOLAS conduct a standardized field sobriety test, NICOLAS stated he would conduct the tests.

NICOLAS stated NO to the following questions.

- Any issues with vision
- Any medication
- Any recent head injuries

Officer Welch observed NICOLAS did not have any eyeglasses on. Officer Welch explained the Horizontal Gaze Nystagmus test. NICOLAS stated he understood. Officer Welch observed NICOLAS had no resting nystagmus, and he had equal pupils and equal tracking.

During the HGN test, Officer Welch observed the following:

- Lack of smooth pursuit: left eye
- Lack of smooth pursuit: right eye
- Distinct and sustained Nystagmus at maximum deviation: left eye
- Distinct and sustained Nystagmus at maximum deviation: right eye

- Onset of Nystagmus prior to 45 degrees: left eye
- Onset of Nystagmus prior to 45 degrees: right eye

Officer Welch observed a total of 6 clues.

Officer Welch explained and demonstrated the Walk and Turn test. NICOLAS stated he understood.

NICOLAS conducted the Walk and Turn test. Officer Welch observed the following:

- Could not keep balance during instruction stage.
- Missed heel-to-toe
- Stepped off line
- Used his arm's for balance

Officer Welch observed a total of 4 clues.

Officer Welch explained and demonstrated the One-Leg-Stand test. NICOLAS stated he understood.

NICOLAS conducted the One-Leg-Stand test. Officer Welch observed the following:

- Swayed while balancing
- Used arms to balance
- Put foot down

Officer Welch observed a total of 3 clues.

Officer Welch read NICOLAS the North Dakota implied consent advisory for screening test. NICOLAS refused to submit to the screening test and became verbally abusive. At 23:53 hours, NICOLAS was placed under arrest for DUI. Officer Welch placed NICOLAS in handcuffs behind his back. Officer Welch checked the handcuffs for proper fit and double locked them.

Officer Welch read NICOLAS Miranda Warning. NICOLAS did not provide a response.

Officer Welch read NICOLAS the North Dakota implied consent advisory for chemical test. NICOLAS stated he would conduct a chemical test. Officer Welch conducted a search incident to arrest on NICOLAS. No items of evidentiary value were located. Officer Welch locked and secured NICOLAS'S vehicle per his request. Officer Welch secured NICOLAS'S two mobile phones, jacket and truck keys to be transported to the Williams County Correctional Center (WCCC) per his request.

NICOLAS was verbally abusive, homophobic, racially abusive and discriminatory toward Officer Welch for the entire duration of the incident following road side testing.

Officer Welch transported NICOLAS to WCCC. Sergeant Flesness was on location at WCCC ready to conduct the chemical test. Officer Welch was completing the Report and Notice form when he observed NICOLAS verbally refuse to conduct a chemical test on the intoxilyzer 8000

by stating "I do not consent" and "I do not want to take the test". NICOLAS was charged for DUI refusal. Officer Welch was provided Intoxilyzer test record by Sgt Flesness.

Officer Welch issued NICOLAS a citation for DUI, DUI Refusal and open container with a court date set on 01/04/2024 at 09:30. NICOLAS stated he understood.

NICOLAS was left in the care and custody of WCCC staff.

Officer Welch had no further involvement in this incident.

A. Welch 53D

End of report



Supporting Report By Anthony Burgess, 12/16/23 04:36

Case #PD-IR2314849

Typed By Anthony Burgess

Audio: If not, explain: YES

Video: If not, explain: Yes

Unit: 6

Marsy's Card Given: No

Marsy's Law Invoked: No

On Friday, December 15th, 2023, while on uniform patrol with the Williston Police Department. Officer Burgess observed a Black Ford F-150 pick-up in the left turning lane at 11th St W heading westbound at West Dakota Parkway. Officer Burgess observed the F-150 instead of turning left head straight. The vehicle then drove down the middle of the fog line for 100 yards. Officer Burgess initiated a traffic stop at the 1800 block of 11th St W, Williston, Williams County. Officer Burgess observed the vehicle move suddenly to pull over at the 2200 block of 11th St W.

Officer Burgess approached the driver's side. The driver stated that he was sorry and that he was eating a burger while driving. Officer Burgess asked the driver for his driver's license and proof of insurance. Officer Welch arrived to assist in the traffic stop. The driver was identified as Nicolas Rios(Nicolas). Officer Welch noticed an open container of Alcohol in the backseat of the vehicle. Officer Burgess observed a wristband from a bar on his right wrist. When Nicolas was asked about it, he took the wristband off.

Officer Burgess asked Nicolas to step out of the vehicle. Officer Welch took over the investigation. Please refer to Officer Welch's investigation for further information.

Nothing further at this time

End of Report

Officer Anthony Burgess 52D

Williston Police Department