

Arrest #: 12-133-AR
Call #: 12-8950
Incident #: 12-345-OF

Date/Time Reported: 03/28/2012 @ 0009
Arrest Date/Time: 03/28/2012 @ 0043
Booking Date/Time: 03/28/2012 @ 0126
Court: 6TH DISTRICT COURT
Court Date: 04/04/2012 @ 0900
Reporting Officer: Patrolman Walter Larson
Assisting Officer: Patrol Michael Gregorzek
Booking Officer: Patrolman Walter Larson



Bail For Court: 6TH DISTRICT COURT Set: 03/28/2012 @ 0330
Personal Recognizance Set: 1000.00
Personal Recognizance Set - NO FEE WAS CHARGED BY JP
Bail Set By: 0032 JP Fausto Anguilla
Bail Unpaid:
Released: 03/28/2012 @ 0330

Signature: _____

#	DEFENDANT(S)	SEX	RACE	AGE	DOB	PHONE
1	ROGGERIO, DOMINICK JOSEPH 42 COUNTRY SIDE DR NORTH PROVIDENCE RI 02908	M	W	63	[REDACTED]	[REDACTED]

Military Active Duty: N
HEIGHT: 601 WEIGHT: 190 HAIR: BROWN EYES: BLUE
BODY: MEDIUM COMPLEXION: FAIR
DOB: [REDACTED] PLACE OF BIRTH: PROVIDENCE / RI
LICENSE NUMBER: RI [REDACTED] ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) 401-[REDACTED]

[APPEARANCE]

GLASSES WORN: NO

Editor's note: The Barrington Police have made redactions on the first page of this report.
The Journal has redacted Senate Majority Leader Ruggerio's license plate number on page 2.

NARRATIVE FOR PATROLMAN WALTER C LARSON

Ref: 12-133-AR

Entered: 03/28/2012 @ 0558 Entry ID: WCL1
Modified: 03/28/2012 @ 0921 Modified ID: GC1

On 03/28/12 at approximately 0009 hrs while on duty Officer Gregorzek and myself were dispatched to the area of the Wampanoag Trail in the area of Vitullo's farm in reference to a possible intoxicated driver. Dispatcher Foote advised us she was still on the phone with the calling party who advised the suspected vehicle was a black sedan bearing RI registration [REDACTED] and took the Riverside exit onto 103 headed westbound. I caught up to a vehicle fitting that description which was a black Buick bearing RI registration [REDACTED] County Rd. by Albert Avenue. I observed the vehicle to slowly change lanes from the travel lane to the passing lane. I did activate my overhead lights and sirens to initiate a stop but the vehicle did not stop and soon approached the stop light located on County Rd. by the Citizen's Bank. I deactivated my overhead lights and sirens as the vehicle began to turn around and headed eastbound on County Rd. back towards the center of Barrington. The vehicle's attempted turn around was very slow and wide. I then observed the vehicle to take a right onto Richmond Ave. (which is a residential neighborhood). Again I observed the vehicle to make a slow and wide right onto the road. I activated my overhead lights and sirens and initiated a traffic stop. The vehicle stopped in the middle of the road, not pulling over to the side. I called out my location and approached the driver's side of the vehicle.

I asked the driver for his license and registration. As the driver began to speak I could smell a strong odor of consumed alcohol (known to me by my training and experience) to emanate from his breath, he had bloodshot watery eyes, a flushed red face and heavily slurred speech. The driver fumbled with the plastic cover which held his license a couple of times before retrieving it and handing it to me. The driver was identified as Dominick Ruggiero. I again asked Ruggiero for his registration. Ruggiero reached over to his glove box and brought out numerous papers. The first paper he attempted to give me was yellow in color; I informed him it was not his registration. He immediately recognized the error and continued to search for his registration. He then gave me the registration. I then informed Ruggiero the reason for the stop was a concerned citizen called in this vehicle as driving erratically and the operator was possibly intoxicated. I asked Ruggiero where he was going; he told me he was following his friend to a woman's house (in slurred speech). I asked him where he was coming from; he said he was coming back from a benefit in Providence. Ruggiero did admit to drinking earlier in the night.

I returned to my cruiser and gave Dispatcher Foote Ruggiero's information. Dispatcher Foote informed me Ruggiero's vehicle and license were active and he was not wanted at this time. I then looked up and observed a man wearing a brownish colored suit and brown shoes to be walking towards my location. I turned off my front facing LED and strobe lights, exited my cruiser and approached the man who was identified by his license as Frank Ciccone. I informed Frank what was going on and asked him to step to the side of the road for safety. By this time I observed Ruggiero to have stepped out of the vehicle with an uneasy gait. He began to stretch and reach towards his right kidney.

I approached Ruggiero and asked him if he would submit to some standardized field sobriety tests. Ruggiero said he would. I asked Ruggiero if he had any existing medical conditions with would affect his performances on the tests. Ruggiero stated he did wear glasses for reading, and he had a bad right knee which he sought treatment from. I asked him if he could walk a straight line, he said yes. I asked if he could stand for 30 seconds on his left foot, he said yes. I emphasized to Ruggiero if he had any questions on the test to make sure he asks and I will clarify for him. I gave Ruggiero the standardized field sobriety tests at the rear of his vehicle because this area was free of debris and flat so his results of the test could not be blamed on the environment.

The first test I administered is called the horizontal gaze nystagmus test. I instructed Ruggiero to face me which had him face eastbound away from any lights that may obscure the test results. I then informed him to stand with his feet together (heels and toes touching) and keep his arms at his sides. I informed him for this test he would stand like that while keeping his head straight. Ruggiero said he understood; I demonstrated the position,

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Ruggerio got into the position. I informed Ruggerio for this test he was going to follow my finger (the stimulus) with his eyes and his eyes only. Ruggerio said he understood. I made my first two passes looking for equal tracking and pupil size; Ruggerio did not show any discrepancies. My next two passes tested for lack of smooth pursuit. As I began to make my passes I noticed Ruggerio was not following along with my finger and was anticipating where my finger would go. I informed Ruggerio to ensure he is following my finger with his eyes; he said he would. I again made two passes testing for lack of smooth pursuit; Ruggerio displayed a lack of smooth pursuit in both his left and right eye. My next set of passes checked for distinct and sustained nystagmus at maximum deviation; Ruggerio had distinct and sustained nystagmus at maximum deviation in both his left and right eye. The next set of passes checked Ruggerio for the onset of nystagmus prior to 45 degrees; Ruggerio displayed the onset of nystagmus prior to 45 degrees. My final set of passes tested for vertical nystagmus which was not present. While testing Ruggerio I again could smell a strong odor of alcohol (known to me by my training and experience) to emanate from his breath, I also observed Ruggerio to have a consistent side to side sway of about one inch.

The next test I administered is known as the walk and turn. I found a line on the road to guide Ruggerio which turned out to be the center line where both sides of the road pavement meet. I informed Ruggerio he was going to have to pay close attention to the instructions on this test and if he have any questions to ask. Ruggerio said he understood. I instructed Ruggerio to place his left foot on the line, then place his right foot directly in front of it with his left toes touching his right heel. I told Ruggerio he was going to keep his arms at his sides while in this position. Ruggerio grabbed toward his right knee and stated he may have trouble with this test because his knee was sore. I demonstrated the test for Ruggerio and asked him to get in the position, if the pain was too much he could stand with his feet side by side. Ruggerio got in the position and told me he could stand in this position. I emphasized to Ruggerio not to start the test before I tell him to, he said he understood. I told Ruggerio he was going to walk nine heel to toe steps in a straight line, once he gets to his ninth step he was going to keep his front foot on the line and use his back foot to turn around using as many steps as he needs to turn around 180 degrees and walk nine heel to toe steps back in a straight line. I informed Ruggerio he was going to look at his feet and count each step out loud. Ruggerio said he understood the directions. I demonstrated the test for Ruggerio and again asked if he had any questions, he said he did not. I told Ruggerio he could begin the test. While giving the instructions Ruggerio stepped out of the instructional phase position two times, both times getting back into the position. Ruggerio missed heel to toe on his second and sixth steps on the way up, he stepped off line on his seventh step and used his arms for balance on his fifth step. Ruggerio then turned improperly, before turning he stopped, reached for his right knee then attempted to turn by lifting both feet and spinning. On his return nine steps Ruggerio missed heel to toe on his third step.

The third test I administered is known as the one leg stand. Ruggerio was still complaining of his knee, I asked him if he would like to lean against the rear of his vehicle as I began to describe the next test for him. He said he was ok. I had Ruggerio stand close to his vehicle as I began to describe the test. I asked him to face (who was still eastbound of Ruggerio) me as I gave him the instructions. Ruggerio continued to face westbound while he winced and put his left hand on the trunk of his vehicle. I again asked Ruggerio to turn around and face me. Ruggerio eventually turned around and face me. I asked Ruggerio if he would be able to take this test, he said he could stand on his left foot. I instructed Ruggerio to put his feet together and keep his arms at his sides as I instructed him with this test. I demonstrated the stance, Ruggerio attempted to get in the stance the best he could. I informed him he was going to choose a leg to stand on, the other leg he was going to keep straight and raise six inches off the ground. He was going to point the raised foot outwards so his foot was parallel with the ground and count "one thousand one, one thousand two and so one until I told him to stop". Before I could demonstrate the test for Ruggerio he raised his right leg, bending it at the knee and placing his foot behind his calf like a

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flamingo. He also had his right hand on his trunk. I informed Ruggiero the test had not begun yet. I instructed Ruggiero to step away from his trunk. I then demonstrated the test for him, he said he understood. I told him he could begin the test, before starting the test Ruggiero again asked what he was going to be doing for this test; I then restated the directions and demonstrated the test again. Ruggiero said he understood. I told him he could begin the test. During this test Ruggiero swayed, used his arms for balance, he put his foot down three times by 11 seconds at which point I stopped the test for safety. During the 11 seconds Ruggiero counted to 7 seconds outloud.

Being certified in Advanced Roadside Impairment Detection Enforcement I gave Ruggiero two more test which he consented to. The first test I gave is known as the lack of convergence test. I informed Ruggiero he was going to stand with his feet together and his arms at his side. I told Ruggiero to keep his head still and to follow my finger (the stimulus) with his eyes and his eyes only, I informed Ruggiero I was going to make two passes around his head and come close to his nose but not touch him. Ruggiero said he understood, I demonstrated the stance fro him, he got into the position. Ruggiero demonstrated a lack of convergence in his right eye.

The next test I gave to Ruggiero is known as the modified Romberg test. I instructed Ruggiero to stand with his feet together hand his arms at his sides. I told Ruggiero for this test he was going to close his eyes, tilt his head back and estimate 30 seconds passing in his head. I demonstrated the test for Ruggiero, he said he understood. I told him he could begin the test. For this test I had to remind Ruggiero to tilt his head back. I did observe Ruggiero to have a side to side sway of about two inches, he had a front to back sway of about an inch. I stopped the test once the time reached 60 timed seconds. I asked Ruggiero if he was estimating the passage of time, he said he did not.

I asked Ruggiero to turn around and place his hands behind his back. Ruggiero was placed in handcuffs (double locked and checked for tightness), I informed Ruggiero I was placing him under arrest for Dui and placed him in the rear of car 2. At 0043 hrs I read Ruggiero his right for use at scene; he said he understood his rights. While transporting Ruggiero he asked what he was being charged with, I again informed him DUI.

At about 0055 hrs I read Ruggiero his right for use at station. I exited the room so Ruggiero could make his confidential phone call. Ruggiero informed me he had not gotten in touch with his lawyer, I gave him a few more minutes to make some phone calls. At about 0116 hrs Ruggiero informed me he had not gotten in touch with any of his lawyers. I asked him if he would agree or refuse to take the test. Ruggiero respectfully informed me he did not want to sign any papers or take any tests until he consulted his lawyer first. I informed Ruggiero I was going to be charging him with a refusal, he said he understood. Ruggiero was polite, cooperative and apologetic while processing him.

At about 0319 hrs Ruggiero received a special arraignment from JP Anguilla. At about 0337 hrs Ruggiero was discharged from our care and left this station.

Ruggiero was charged with DUI B.A.C. unknown; he was given a District Court date of 04/04/12 as well as refusal to submit to a chemical test, the court date for this charge will be heard at the Rhode Island Traffic Tribunal on 04/09/12. Ruggiero signed all the documents and understood he must attend both court dates.