

STATE OF CALIFORNIA  
 DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
**DRIVING UNDER THE INFLUENCE  
 ARREST - INVESTIGATION REPORT**  
 CDE 202 (REV. 6-03) CPl 051

Misdemeanor  Domestic Violence (Refer to HPM 100.69)  
 Felony  
 COURT VAN NUES SUPERIOR FILE NUMBER 200700643  
 AREA SIO BEAT 103 COLLISION REPORT NUMBER

EVIDENCE/PROPERTY  
 YES  NO

LIST NAME, FIRST NAME, AND MIDDLE INITIAL

DATE/TIME OF ARREST REPORT 3-20-07 / 2257 DATE/TIME OF INCIDENT 3-20-07 / 2239 LOCATION OF ARREST/INCIDENT HASKELL AVE AT HARTSUCK ST.  
 CITATION NUMBER 17456 DH OFFENSE(S) CHARGED OR INVESTIGATED 23152(a)(6) V. DUI-ALCOHOL >.08% A/S 9715 REGULATED NUMBER  YES  NO

SUBJECT NO 1 OF 1  
 NAME (Last, First, Middle) FOX, VIVICA ANSANETTA RESIDENCE ADDRESS [REDACTED]  
 AKA [REDACTED] HOME PHONE [REDACTED] MAILING ADDRESS [REDACTED]  SAME  
 RACE/ETHNICITY B SEX F BIRTHDATE 07-30-64 HAIR BLG EYES BRN HEIGHT 5-08 WEIGHT 115 PLACE OF BIRTH City, State, Country SOUTH GLEN D JND  
 DISPATCH NOTIFIED  YES  NO TIME 0104  
 DRIVER LICENSE NUMBER [REDACTED] STATE CA DEX STATUS VALID MISC (SSN, INS, ETC) [REDACTED] BUSINESS ADDRESS [REDACTED] ID # 410507 LOG 3203  
 EMPLOYER SELF EMPLOYED ADDRESS BUSINESS PHONE [REDACTED] BUSINESS ADDRESS [REDACTED]  
 BOOKING, CENSUS, ETC. NUMBER(S) 1707354794 WHERE BOOKED/CONFINED [REDACTED] DATE/TIME [REDACTED] FINGERPRINTED  YES  NO  
 NOTIFICATION (MVA, H&M, WHM) EXPLAIN IN NARRATIVE  AVENUE  FOREIGN NATIONAL  IMMUNITY CLAIM NOTIFIED BY:

VEHICLE  
 LICENSE [REDACTED] STATE CA YEAR 07 VINEN NUMBER [REDACTED] VEHICLE WAS  FINED  REUSED  STORAGE AUTHORITY 22651 (H) V.C.  
 STORED  RECOVERED  IMPOUNDED  
 VEH YEAR 07 MAKE CADJ BODY STYLE SUV COLOR SILVER BODY TYPE SEDAN LOCATION OF VEHICLE/RELEASED TO (ADDRESS/TELEPHONE NUMBER) DAY + NIGHT TOW BR. 997-1044  
 NAME OF REGISTERED OWNER SAME AS SUBJECT ADDRESS [REDACTED]  SAME AS SUBJECT  
 NAME OF LEGAL OWNER G.M.A.C.  SAME AS R/O ADDRESS P.O. BOX 8128 COCKEYSVILLE MD 21036 LOCATION OF KEYS WITH TOW

DATE & RELATED TO				WITNESS/PASSENGER/VICTIM			PHONE
BIRTH-DATE	SEX	NAME	<input checked="" type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER	<input type="checkbox"/> VICTIM	ADDRESS/AGENCY	RES.
[REDACTED]	[REDACTED]	[REDACTED]	<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER	<input type="checkbox"/> VICTIM	[REDACTED]	RES: [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER	<input type="checkbox"/> VICTIM	[REDACTED]	RES: [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER	<input type="checkbox"/> VICTIM	[REDACTED]	RES: [REDACTED]

ADMONITION OF RIGHTS  
 1. YOU HAVE THE RIGHT TO REMAIN SILENT.  
 2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.  
 3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.  
 4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.  
 THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY:  ARRESTING OFFICER  OR ID 14454 TIME 0002  
 DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?  YES  NO HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?  YES  NO WAIVER STATEMENT

MISDEMEANOR INCARCERATION (To be completed upon physical arrest for any misdemeanor, pursuant to Penal Code Section 803.6.)  
 The person arrested:  
 1.  was so intoxicated as to be a danger to himself/herself or others.  
 2.  required medical examination or medical care or was otherwise unable to care for his/her own safety.  
 3.  was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code (Note 5 and 8 if also applicable).  
 4.  had one or more outstanding arrest warrants issued.  
 5.  could not provide satisfactory evidence of personal identification.  
 6.  if released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.  
 7.  would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released.  
 8.  demanded to be taken before a magistrate or refused to sign the citation.  
 9.  would not appear at the time and place specified in the notice.  
 10.  domestic violence (refer to HPM 100.69)

ARRESTING/INVESTIGATING OFFICER (Print name/rank) LAUSQUE / OFFICER ID NUMBER 14454 REVIEWED BY (Print name/rank) D.L. JOHNSON / SERGEANT ID NUMBER 15898 DATE 3-20-07

FOX, VIVICA, A.

INVESTIGATION INTERVIEW

DO YOU KNOW OF ANYTHING MECHANICALLY WRONG WITH YOUR VEHICLE? DESCRIBE.  YES  NO  
 WERE YOU SICK OR INJURED? DESCRIBE.  YES  NO

WHEN DID YOU LAST SLEEP? **LAST NIGHT / NAP 11:15** HOW LONG? **6/2:15** WHEN DID YOU LAST EAT? **4:30 PM** DESCRIBE **SUSHI**

WERE YOU DRIVING THE VEHICLE?  YES  NO  N/A IF NO, WHO? **MAURU** WHERE DID YOU START DRIVING? **2ND ST** WHERE WERE YOU GOING? **HOME**

WHERE WERE YOU STOPPED? **NEAR THE 405** WHAT HAVE YOU BEEN DRINKING? **RED WINE** HOW MUCH? **1** TIME STARTED **8:30** TIME STOPPED **9:45**

LOCATION WHERE YOU WERE DRINKING? **NOVA** NAME/ADDRESS: **MALIBU** DO YOU FEEL THE EFFECTS OF THE DRINK? DESCRIBE.  YES  NO

DID YOU BUMP YOUR HEAD?  YES  NO  N/A HAVE YOU BEEN DRIVING SINCE THE ACCIDENT?  YES  NO  N/A IF YES WHAT? **N/A** HOW MUCH? **N/A**

ARE YOU UNDER CARE OF A DOCTOR OR DENTIST? **[REDACTED]** IF YES, NAME AND ADDRESS: **[REDACTED]** FRONT SURGERY PERFORMED? **[REDACTED]**

HAVE YOU TAKEN ANY MEDICINE OR DRUGS? **[REDACTED]** IF YES WHAT? **[REDACTED]** HOW MUCH? **[REDACTED]** TIME OF LAST DOSE? **[REDACTED]**

DO YOU FEEL THE EFFECTS OF THE MEDICINE/DRUGS? DESCRIBE. **[REDACTED]**

OBJECTIVE SIGNS/APPEARANCE/FIELD SOBRIETY TEST LOCATION

BREATH COEFF OF ALCOHOLIC BEVERAGE (RESIDENT):  YES  NO GLASSES/LENSES:  YES  NO EYES (APPEARANCE): **RED, WATERY** DEMEANOR: **DEMEANING** SPEECH: **SLURRED, DELIBERATE**

CLOTHING WORN: CONDITION AND DESCRIPTION: **BLK BOOTS, WHITE SHIRT WITH GOLD LEAVES, BLE JACKET**

DESCRIBE TEST LOCATION, SURFACE, WEATHER, AND LIGHTING: **FLASH LIGHT STREET LIGHTS, LEVEL CONCRETE SIDEWALK, COOL, DRY, CLOUDY, CHP HEADLAMPS SPOTLIGHTS**

PRELIMINARY ALCOHOL SCREEN INFORMATION

P.A.S. Admonition: I am requesting that you take a preliminary alcohol screening test to further assist me in determining whether you are under the influence of alcohol. You may refuse to take this test; however, this is not an implied consent test and if arrested, you will be required to give a sample of your blood, breath or urine for the purpose of determining the actual alcoholic and drug content of your blood.

THE SUBJECT WAS ADVISED OF THE ABOVE STATEMENT BY:  N/A  ARRESTING OFFICER  OR **WE DON'T UNDERSTAND** I.D. **14457** TIME **2255**

PAS SERIAL NUMBER	TEMPERATURE	ZEROED	RESULTS NO. 1	TIME 1	RESULTS NO. 2	TIME 2	RESULTS NO. 3 (if needed)	TIME 3
		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> Refused					

LOCATION OF TEST:  At scene BREATH SAMPLE STRENGTH:  Strong  Moderate  Weak OFFICER ADMINISTERING PAS TEST:  ARRESTING OFFICER  OR I.D. NUMBER: AREA:

CHEMICAL TEST INFORMATION

Implied Consent Admonishment, 23612 V.C. DRUG ADMONISHMENT:  N/A ATTACHMENTS:  CHP 202 DYE  OTHER

Refused Toxicol (Complete DS 367)  Yes  Refused (Complete DS 367)

TYPE OF TEST	TIME	ID. OF SAMPLE(S)	RESULTS AVAILABLE	DISPOSITION OF SAMPLE(S)
1 <input checked="" type="checkbox"/> Breath	2351 0010 0012	02119	[REDACTED]	ATTACHED
2 <input type="checkbox"/> Blood				
3 <input type="checkbox"/> Urine				

TEST GIVEN LOCATION WHERE TEST WAS CONDUCTED: **(1) VAN NUYS LAPD.** NAME AND TITLE OF PERSON GIVING TEST OR TAKING SAMPLE:  ARRESTING OFFICER  OR

2.  ARRESTING OFFICER  OR

3.  ARRESTING OFFICER  OR

TROMBETTA ADVISEMENT

A. The breath testing equipment does NOT retain any breath sample for later analysis by you or anyone else.  
 B. If you want a sample retained, you may provide a blood or urine sample that will be retained at no cost to you. If you do so, the blood or urine sample may be tested for alcoholic or drug content by either party in a criminal prosecution.  
 C. Do you wish to provide an additional sample?  YES  NO

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

NUMBER

03/20/07

2257

9580

14454

200700643

**ARREST**

1 I placed the driver under arrest for a violation of section 23152(a) V.C. (driving under the influence of an  
 2 alcoholic beverage). Fox began to walk away, yelling at my partner, "Brother help a sister, are you going  
 3 to let this racist white cop do this...well are you?" I placed her into custody as she was yelling. Fox  
 4 continued speaking in a condescending manner and I placed her in the right rear of the patrol car. My  
 5 partner then informed me that he recognized Fox' name from movies and television. I called Sgt. Johnson,  
 6 #15828 and informed her of the situation and of the racial accusations. Sgt. Johnson and Sgt. Estrem,  
 7 #15215 responded from the W. Valley CHP office. Both Sergeants talked to Fox and she agreed to be  
 8 cooperative. Officer De Alba stored Fox's car and Fox was transported to the Van Nuys division of the  
 9 L.A.P.D. Fox remained cooperative throughout the rest of the evening. While at the Van Nuys jail, I  
 10 advised Fox of 23612 V.C. (Implied Consent) and Fox chose to submit to a breath test. While at the jail, I  
 11 administered a breath test with a result of 0.0%. Fox then burped quite loudly and I then aborted the test. I  
 12 took Fox to the back of the jail to relieve her bladder and Detention Officer Zaragoza took her to relieve  
 13 her bladder and stayed with her. I advised Officer Zaragoza that I needed to monitor her to make sure she  
 14 did not eat or drink anything, vomit or regurgitate. Officer Zaragoza took her into the cell near us and I  
 15 was able to hear them at all times. I took Fox back to the breath room and continued to monitor her for the  
 16 15 minutes. I administered a breath test with results of 0.0% and 0.0%. I read Trombetta and Fox did not  
 17 want another test. I then took Fox outside and we transported her to her friend, [REDACTED]. I cited and  
 18 released her to his care, using citation, #12156DH and he signed a CHP 202F accepting responsibility for  
 19 her.  
 20  
 21

**RECOMMENDATIONS**

22  
 23 [REDACTED]  
 24  
 25  
 26  
 27

PREPARER'S NAME  
LAUBSCHER

LD NUMBER  
14454

DATE  
03/21/07

REVIEWER'S NAME

DATE

5

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/20/07	2257	9580	14454	200700643

## FIELD SOBRIETY TESTS

Field notes were taken and attached as page 6 to this report. Fox wore 3-4 inch high heeled spike boots. I asked her if she wanted to take them off and she told me she was a dancer and felt more comfortable wearing them. I told her that if any time during the tests she wanted to take them off to let me know.

**Romberg:** I explained and demonstrated this test 3 times before Fox told me that she understood. Fox rocked back and forth approximately 2-3 inches from center from onset and continued throughout test. Fox displayed eyelid tremors throughout the test. Fox estimated 14 seconds to be 30 seconds.

**One Leg Stand:** I explained and demonstrated this test twice to Fox before she told me that she understood. Left: Fox did not watch her foot and immediately raised her arms to 30 degrees. Fox dropped her foot at 2 seconds and stated, "Whoa, lost my balance." Fox again raised her leg and raised her arms to 30 degrees. Fox was no longer counting 1000's. Fox swayed her raised leg side to side up to 1 foot from side to side throughout the test. At 14 seconds and her count of 20 she swung her leg around to her right and put it down and was now facing 90 degrees to her right. She stated, "I'm a dancer." I asked Fox to continue and she argumentatively stated, "You didn't tell me how long."

R: I explained and demonstrated the test again and she stated, "You didn't tell me to watch my foot before." Fox then went through what she thought I told her to do. I again explained and demonstrated the test and Fox told me she understood. Fox immediately raised her arms to 30 degrees and dropped her foot. Fox raised her leg again with her arms still at 30 degrees and she swayed her raised leg side to side 12-18 inches throughout the test. Fox did not watch her foot despite being asked to do so two more times. Fox dropped her foot at her count of 11 (7 seconds) and then kept her arms raised and left her foot on the ground for 8 seconds. I did not ask Fox to continue any further.

**Finger to Nose:** Fox did not touch the tip of her finger to the tip of her nose on any attempt. Fox touched the second pad of her left finger to the bridge of her nose on the first left attempt. Fox then touched the underside of her nose with the side of the second pad of her right finger. Fox then tilted her head forward and would no longer close her eyes. Fox touched the bridge of her nose with the pad of her finger on the second left attempt. Fox touched the bridge of her nose with the second pad of her finger on the second right attempt. Fox touched the underside of her nose with the pad of her finger on the last right and last left attempts.

**Horizontal Gaze Nystagmus:** Fox displayed the lack of smooth pursuit, with distinct and sustained nystagmus prior to 45 degrees and a rapid onset at approximately 40 degrees.

**Preliminary Alcohol Screening Device:** I read the P.A.S. admonition and Fox told me she didn't understand so I explained the admonition. Fox again told me she did not understand and advised me that she had done all of the tests perfectly.

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
LAUBSCHER	14454	03/21/07		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/20/07	2257	9580	14454	200700643

**FIRST OBSERVATIONS**

1  
2  
3 I was driving eastbound on US-101 east of White Oak Ave. in a fully marked overhead light bar CHP  
4 patrol unit #1189799 in the #3 lane of traffic. My partner was Officer De Alba, #16695. I observed a  
5 Cadillac SRX pass me at a high rate of speed that I estimated to be 80 mph (a violation of section 22349 (a)  
6 C.V.C. We were on the way to the range for our monthly shoot and the range officer was waiting for us  
7 before he went home. I accelerated and pulled to the #2 lane just ahead of the Cadillac. I was unable to see  
8 the occupant of the Cadillac, due to the front windows having dark tint (a violation of section 26708 (a)(1)  
9 C.V.C. The driver of the Cadillac slowed and I moved to the right lane to continue to the shooting range.  
10 While I was at Hayvenhurst Ave., I again saw the driver of the Cadillac in the #3 lane pass me at  
11 approximately 80 mph. I began a pace on the Cadillac at 80 mph from 50 feet behind the Cadillac. I  
12 watched as the driver of the Cadillac was weaving from side to side out of the lane. The left side tires  
13 entered the #2 lane by up to 1 foot and then the driver of the Cadillac moved to the right and allowed the  
14 right side tires to cross into the #4 lane by 1-2 feet. The driver of the Cadillac continued weaving over the  
15 #3 and #4 lane line for approximately 500 feet (a violation of section 21658 (a) C.V.C.). The driver of the  
16 Cadillac then swerved to the left and allowed the left side tires to enter the #2 lane by 1-2 feet and then  
17 immediately swerved to the right with no signal and entered the #4 lane. We initiated an enforcement stop  
18 using all the emergency lights to get the driver of the Cadillac off the freeway at Haskell Ave. My partner  
19 ordered the driver of the Cadillac to exit at Haskell Ave. using the public address system. The driver of the  
20 Cadillac complied and entered the off ramp to Haskell Ave. at 35 mph. The driver of the Cadillac squared  
21 off the right curve of the offramp jerking sharply from side to side. The driver of the Cadillac then turned  
22 right and stopped on Haskell Ave. at Hartsook St.

**OBSERVATIONS AFTER STOP**

23  
24  
25  
26 I made a left side approach and contacted the driver through the driver's side window that was open before  
27 I got out of the car. I advised the reason for the stop and I asked the driver for her license, insurance and  
28 vehicle registration. The driver immediately apologized, telling me, "I'm sorry I thought you got off." I  
29 smelled the strong odor of an alcoholic beverage from within the vehicle and I noticed that the driver's  
30 eyes were red and watery. The driver gave me her valid California driver license that identified her as  
31 Vivica Anjanetta Fox. The driver looked through some papers that she pulled from her glove box and  
32 passed up the registration. I pointed to the registration and the driver gave me the slip and told me that she  
33 did not have her insurance with her. I asked the driver to get out of the Cadillac and we moved to the  
34 concrete sidewalk area to the right of the patrol car. While walking to that area, Fox raised her arms to 45  
35 degrees to step up onto the sidewalk. While speaking with Fox, I again noticed that her eyes were red and  
36 watery and I smelled the strong odor of an alcoholic beverage emitting from her. I explained and  
37 demonstrated a series of field sobriety tests to Fox and asked her to perform them. Fox failed to perform  
38 the tests satisfactorily. Due to Fox's driving, her objective signs of intoxication and her unsatisfactory  
39 performance on the field sobriety tests, I formed the opinion that Fox had been operating a motor vehicle  
40 upon a highway while under the influence of an alcoholic beverage.  
41

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE	J
LAUBSCHER	14454	03/21/07			