



INSPECTOR GENERAL REPORT

2006-02-0062

October 19, 2006

DRIVING WHILE INTOXICATED

Indiana Inspector General David O. Thomas, after an investigation by Special Agent Mike Mischler and Staff Attorney Amanda Schaeffer, reports as follows:

On January 29, 2006, Office of Inspector General (OIG) Special Agent Mike Mischler was driving his assigned OIG vehicle from Jasper, Indiana to Washington, Indiana on State Road 257. Mischler is a special agent based out of Washington, Indiana.

At this time he observed a Ford pickup truck, also driving north on State Road 257, which was driving erratically. He called the Indiana State Police at the Jasper Post but they did not have anyone in the area. He then called the Daviess County Sheriff's Department, and their unit responded and observed the Ford pickup driving erratically. A stop was then initiated at US 50 and State Road 257 by the Daviess County deputy sheriff. The driver of the truck, Jimmy Timmons, was tested with a BAC Datamaster and revealed a blood alcohol content of approximately .23, which is nearly three times the legal limit.

Timmons was charged with driving under the influence in cause number 14D01-0602-CM-097 in Daviess County. Timmons plead guilty on March 28, 2006. He was sentenced to 180 days, with 178 days suspended. He was also fined \$50 and ordered to pay \$200 for a drug and alcohol class.

Though restricted to limited criminal jurisdiction in IC 4-2-7-3(3), the OIG is a law enforcement agency. IC 35-41-1-17. Special Agent Mischler acted properly in notifying a local law enforcement officer in a marked law enforcement vehicle to make the appropriate traffic stop of the erratic driver and complete the investigation and arrest. These results may not have occurred had he not so acted.

Dated this October 19, 2006.



David O. Thomas
Indiana Inspector General