



Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
8535 NORTHLAKE BLVD
WEST PALM BEACH, FL.

Report Date / Time 5/12/2019 01:20 AM	Report Number C-2344AA	Case Number/Cad Number FWSA19OFF005509 /FWLR19 CAD009056	Reporting Officer Name NORBROTHEN, BENJAMIN
Originating Agency ORI FL0488000	Occur Date Time Range 05/11/2019 21:50:46 -	Jurisdiction State waters	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description BRIDGE INDIANTOWN RD (706) ICW
Street Number INTRACOASTAL WATERWAY	Street INTRACOASTAL WATERWAY	Apt/Lot/Bldg JUPITER
State FL	Zip Code 33477	

Defendant

First Name JEREMY	Middle Name A	Last Name CLOUTIER	Suffix	Race WHITE	Sex MALE	Height 5'10"	Weight 190	Hair BLONDE	Eyes BLUE
MNI #	SSN	Date of Birth 01/03/1980	Age 39	Place of Birth WEST PALM BEACH FL USA	Drivers License or other ID C436421800030	State FL	ID Type E		
Address * RESIDENCE / 5101 CENTRAL GARDENS WAY #201 , , FL 33418 / 561-722-8121									

Arrest

Arrest Date/Time 5/11/2019 10:11:21 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description INTRACOASTAL WATERWAY AT INDIANTOWN RD
Street Number ICW	Street ICW	Apt/Lot/Bldg PALM BEACH
County PALM BEACH	City JUNO BEACH	State FL
Zip Code 33477		

Charge : STATE STATUTE

Counts 1	Charge 327.35(1)(a) BUI	Bond Amount \$0.00	☐ No Bond
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED			

Bond Set by Court

Bond Amount \$0.00	No Bond? No
Bond Type(s)	

Probable Cause

I. WHAT: BUI - OPERATING A VESSEL WITH NORMAL FACULTIES IMPAIRED
II. WHEN: 05/11/2019 APPROXIMATELY 2150 HOURS
III. WHERE: ICW, INDIANTOWN ROAD BRIDGE, JUPITER, PALM BEACH COUNTY, FLORIDA

Arrest Report

SCANNED

MAY 12 2019 of 6

DS COLLINS 7622

Norbrotten, B
WN774

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IV. WHO: JEREMY A CLOUTIER DOB: 1-3-1980, 5101 CENTRAL GARDENS WAY #201, PALM BEACH GARDENS, FL 33418

V. OTHER DETAILS RELATING TO BUI:

NAV LIGHTS NOT PRESENT OR OPERATIONAL

VIOLATION OF MANATEE ZONE

OWNER - SUZETTE CHARITY 5101 CENTRAL GARDENS WAY #201, PALM BEACH GARDENS, FL 33418

VI. DETAILS OF BUI:

A. Phase One - Initial Observation of Vessel in Operation

On May 11, 2019, I, Officer Norbrothen, of the Florida Fish and Wildlife Conservation Commission (FWC) was on patrol of the Intracoastal Waterway, by the Indiantown Road Bridge in Jupiter, Palm Beach County, Florida. I was in my class C "rough duty" uniform in a marked patrol vessel with Officer Boyd (FWC).

At approximately 2150 hours I observed a vessel operating northbound, on plan in a manatee zone, just south of the Indiantown road bridge. I observed the vessel to not have a 360 degree all around white light as needed at night. The vessel also appeared to be travelling in excess of the posted speed limit. The area the vessel was travelling in was a 25 mph zone at the date and time of the stop. I estimated its speed at 40 mph. There was no other vessel traffic. I activated my stalker II radar which was aimed at the vessel and heard a strong audio shift. The strong audio tone was clear and consistent with my estimation. I looked at the readout to see an indicated speed of 40 mph which was consistent with my estimation. I activated my vessel's blue lights and conducted a vessel stop on the vessel.

B. Phase Two - Personal Contact with Operator of Vessel

Immediately upon conducting my vessel stop I observed a white male behind the helm at the steering wheel and throttle. I observed a white female and white male as passengers. As I go closer to the vessel I turned on a floodlight in the direction of the vessel to illuminate it and the occupants. I observed a Michelob ultra can in a cup holder toward the rear of the vessel. Upon pulling up to the vessel I identified myself as officer Norbrothen with the Florida Fish and Wildlife Conservation Commission (FWC). I told the operator, later identified as Mr. Jeremy Cloutier by his Florida Driver License (C436-421-80-003-0) the reason for my stop.

Immediately upon talking to Cloutier I could detect the strong odor of an unknown alcoholic beverage. I observed Cloutier's eyes to be bloodshot, glossy, and having droopy eyelids. Cloutier's speech was heavily slurred.

I asked the vessel operator for his registration and the female passenger immediately began looking for it. I informed the female that I asked the captain, Cloutier, for the registration and he would be responsible to find it. Cloutier was able to

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produce the vessel registration and I asked him if he could find and produce three life jackets, a throwable, a horn or whistle, and a fire extinguisher. Cloutier was able to everything except the fire extinguisher which I did not see him search for. He stared at me until I reminded him about the fire extinguisher, which he was able to produce. I asked Cloutier if he was aware he was operating the vessel in a manatee zone and he said he was.

I informed Cloutier that I could smell alcohol and asked if he had been drinking. He said he had a beer or two. He said he was coming from Frigates, a waterside restaurant and bar in North Palm Beach, FL. I asked Cloutier to board my vessel so I could ensure he was safe to operate his vessel. Cloutier initially agreed but then asked if the female passenger could drive the vessel back to the boat ramp. I said that because he was operating the vessel I would need to make sure he was the one who would be safe to operate the vessel. Cloutier asked again if the female could drive home. I asked him why the female would need to drive home, and if he thought he was intoxicated. Cloutier responded he was "tipsy." I informed Cloutier it was not mandatory, but I was still requesting he board my vessel. The white male passenger talked to Cloutier and Cloutier agreed to board my vessel.

I sat Cloutier at the front of my vessel and placed him in a life jacket to participate in a series of field sobriety tasks. The standardized field sobriety tasks the operator was asked to perform were HGN, Finger to Nose, Palm Pat, and Hand Coordination. Each exercise was explained and demonstrated by me prior to having the operator perform them.

C. Phase Three - Pre-Arrest Screening and Observation of Operator SFST'S

STANDARDIZED FIELD SOBRIETY TASKS-SEATED BATTERY

Pre-Task Questions

Subject advised he didn't have any physical defects or disabilities.

Subject advised he didn't have any eye defects.

Subject advised he had a knee injury.

Subject advised he was not under the care of a doctor or dentist.

Subject advised he was not taking any medications or drugs.

Subject advised he did not have diabetes.

HORIZONTAL GAZE NYSTAGMUS

Subject advised he was not wearing contact lenses.

Lack of smooth pursuit in left and right eye.

Distinct and sustained nystagmus at maximum deviation in left and right eye.

Onset of nystagmus prior to 45 degrees in left and right eye.

Vertical nystagmus was present.

FINGER TO NOSE

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Instruction Stage

Performance Stage

First Left - Did not bring hand down

First Right - Hesitated, searched, missed tip of nose

Second Left -Not fingertip, missed tip of nose

Second Right - Not fingertip, missed tip of nose

Third Right - Wrong hand

Third Left - Searched, missed tip of nose

PALM PAT

Instruction Stage

Unable to follow instructions

Performance Stage

Double Pat

Did not increase speed

Rotated hands

HAND COORDINATION

Instruction Stage

Performance Stage

Task 1- Forward Steps

Task 2- Hand Clapping

Improper count

Task 3 - Return Steps

Improper Count

Improper Touch

Task 4 - End Position

The operator stated he understood all instructions given to him.

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D. Arrest of Operator

Based on the vessel in motion, personal contact, standardized field sobriety tasks, the totality of the circumstances, and common sense, I placed Cloutier under arrest at approximately 2211 hours for boating under the influence (BUI). The operator was placed in handcuffs which were double locked and checked for proper fit and tightness. The operator was then told to sit down for his safety aboard the vessel. While transporting Cloutier to jail he asked if it was my first day, which I told him it was not and I had been on for five years. He also asked if I was trying to get a quota, which I replied I was not. Cloutier also asked if I could drop him off and he could get an Uber ride home. I informed him that was not going to happen.

While transporting Cloutier to jail he asked if he could pay me \$400.00 to make his BUI go away, then said \$500.00. I shook my head to indicate no at which point he asked if he was being recorded and I nodded yes.

Upon arrival at the Palm Beach County Jail at Gun Club I started a twenty-minute observation period at approximately 2340 hours. I checked Cloutier's mouth for interferences and found none. At approximately 0007 hours on 5/12/19 Cloutier was asked to provide a sample of his breath for the purpose of determining its alcohol content. Cloutier refused to provide a sample of his breath and was read implied consent on camera at jail. I asked Cloutier again if he would provide a sample of his breath which he again refused. I read Cloutier his Miranda rights and Cloutier refused to answer questions prepared on a sheet provided by the jail.

E. Disposition of Driver and Vessel

The vessel was turned over the female passenger, and registered owner, Ms. Suzette Charity (G626783815880).

I issued Cloutier one criminal Uniform Boating Citation (UBC) for violation of F.S. 327.35 (1)(a), operating a vessel with normal faculties impaired.

327.35 Boating under the influence

(1) A person is guilty of the offense of boating under the influence and is subject to punishment as provided in subsection (2) if the person is operating a vessel within this state and:

(a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person's normal faculties are impaired;

I issued Cloutier a non-criminal UBC for violation of F.S. 327.35215(1) for refusal to submit to blood/breath/urine pursuant to FS327.352

I also issued the operator two boating warnings for violation of a manatee zone 68C-22.009(1)(g)(1) punishable as a civil infraction by 379.2431(2)(s)1 and violation of 327.50(2) for not having navigation lights present.

Cloutier was booked into Palm Beach County Jail at Gun Club.

This case is cleared by arrest.

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Court

Court County PALM BEACH	Court Location 205 NORTH DIXIE HIGHWAY WEST PALM BEACH, FLORIDA 33401
Court PALM BEACH COUNTY COURT	Court Phone (561) 355-2996
Comments	Court Appearance Date / Time 06/05/2019 1:00 PM
Court Fine	

Officer Name	Officer Rank	Involvement On Report	ID #	Org/Unit	Officer Agency
NORBROTHEN, BENJAMIN	OFFICER		WN774	FWSAISO REGION AIPALM BEACH	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name NORBROTHEN, BENJAMIN	Office Rank OFFICER	Officer ID No WN774	Sworn and subscribed before me, the undersigned authority This the _____ day of _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature			



STATE OF FLORIDA
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT



REFUSAL TO SUBMIT TO BREATH, URINE OR BLOOD TESTING

In the County Court of the Palm 15th Judicial
Circuit in and for Palm Beach County, Florida

STATE OF FLORIDA
(PLAINTIFF)

Uniform Boating Citation No.

V484315

v.
Cloutier, Jeremy A
DEFENDANT

AFFIDAVIT

I, Norbrother, Benjamin, a law enforcement officer, who having been duly sworn, certify and state the following:

1. That on Saturday, May 11, 2019 at 10:11 ☐ AM ☒ PM probable

cause existed to arrest the above named Defendant for a violation of section 327.35, Florida Statutes, as set forth in the attached narrative which is incorporated by references as if set forth fully herein.

2. That on that date and that time:

☒ The Defendant was under lawful arrest for an offense committed while the Defendant was operating a vessel while under the influence of alcoholic beverages, chemical substances, or controlled substances, and the Defendant was requested to submit to a ☒ breath test, ☐ urine test, or ☐ both a breath and a urine test; or

☐ The Defendant had appeared for treatment at a hospital, clinic, or other medical facility, the administration of a breath or urine test was impractical or impossible, and the Defendant was requested to submit to a blood test.

3. The Defendant was advised of both the penalties for a failure to submit to the blood, breath or urine test and the procedure for requesting a hearing.

4. The Defendant refused to submit to the ☐ blood, ☒ breath, or ☐ urine test(s).

FURTHER AFFIANT SAYETH NOT.

Officer's Signature

ID No

Florida Fish and Wildlife Conservation Commission
Law Enforcement Agency

1300 Marinko Rd, Jupiter, FL 33477
Mailing Address

Jupiter
City

FL
State

33477
Zip Code

SWORN TO AND SUBSCRIBED
BEFORE ME THIS _____ DAY
OF _____, 20____

Notary Public or Attesting Officer

☐ Personally known to me

☐ Produced _____
as Identification

TESTING FACILITY TASK REPORT

4
#N774

AGENCY: Fwc Ofc Norbrother

SUBJECT: Cloutier, Jeremy A. CASE NUMBER: 19-069995

DATE: 05-11-19 / 05-12-19 VIDEO TAPE NUMBER: /

BEGINNING TIME: 0004 hrs ENDING TIME: 0008 hrs

BREATH TESTS RESULTS: 1) R TIME 0001 A.M./P.M. 2) _____ TIME _____ A.M./P.M.
3) _____ TIME _____ A.M./P.M. 4) _____ TIME _____ A.M./P.M.

BREATH OPERATOR: S O'Neal #6212

MAINTENANCE TECHNICIAN: Cpl. Kharlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: _____

ATTITUDE: Calm, Quiet

CLOTHING: Shirt- Blue Shorts- Dark Gray/Print

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER: Eyes: Red, Glassy

Face: Flushed

#N774

COMMENTS: 20 min. observation done by AIO Norbrother
AIO requested the breath test.

D refused the request

Implied Consent read for a BUI on camera.

D still refused after the vessel warning.

C/W read on camera.

D refused Q+A.

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

FLORIDA BUI/DUI
IMPLIED CONSENT WARNING

DEFENDANT'S NAME CLOUTIER, JEREMY A CASE NO: FWSA-19-OFF-5509

READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING

You are under arrest for operating a vessel or vehicle while under the influence of alcoholic beverages or chemical or controlled substances.



I am now requesting that you submit to a lawful test of your **BREATH** for the purpose of determining its alcohol content. Will you submit to a **BREATH** test?



I am now requesting that you submit to a lawful test of your **URINE** for the purpose of detecting the presence of chemical or controlled substances. Will you submit to a **URINE** test?



I am now requesting that you submit to a lawful test of your **BLOOD** for the purpose of determining its alcohol content and the presence of chemical or controlled substances. Will you submit to a **BLOOD** test?

IF THE SUBJECT REFUSES TO SUBMIT TO TESTING, READ ONE OF THE FOLLOWING:

I am NORBROTHERN, BENJAMIN of the Florida Fish and Wildlife Conservation Commission
OFFICER'S NAME



VESSEL

If you fail to submit to the test I have requested of you, it will result in a civil penalty of \$500.00. Additionally, if you refuse to submit to the test I have requested of you and have previously been fined for refusal to submit to a lawful test of your breath, urine, or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

Will you submit to the test?



YES



NO



VEHICLE

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privileges have been previously suspended for refusal to submit to a lawful test of your breath, urine, or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into

Will you submit to the test?



YES



NO

5/12/19
DATE

0007
TIME

in custody
DEFENDANT'S SIGNATURE

Benjamin Norbrothen N774
OFFICER'S NAME (PRINTED)

N774
OFFICER'S SIGNATURE

SUBJECT: Cloutier, Seleny A CASE NUMBER: FWSA-19-OFF-5509

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol content.

-OR-

I am now requesting that you submit to a lawful test of your URINE for the purpose of detecting the presence of chemical or controlled substances.

-OR-

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am Officer Benjamin Norbrothen of the Florida Fish and Wildlife Conservation Commission

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

SUBJECT'S SIGNATURE: (X)

In Custody

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X)

In Custody



**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
Other	☐	948.064 (1) FSS	Other: Notification of Status as a Violent Felony Offender of/with Special Concerns.	
	☐	119.0712 (2)	Other: Personal Information Contained in a Motor Vehicle Record	

REVIEW COMPLETED BY

Booking Number: 2019015804

Date: 5/12/2019

Specialist Name/ID: M. Tooks #8557