

Participant Manual

DWI Detection and Standardized Field Sobriety Testing (SFST)

Revised: 10/2015



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DWI Detection and Standardized Field Sobriety Testing (SFST)
Participant Manual
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10/2015 Curriculum

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Preface

The Standardized Field Sobriety Testing (SFST) training curriculum collectively, prepares police officers and other qualified persons to conduct the SFST's for use in DWI investigations. This training, developed under the auspices and direction of the National Highway Traffic Safety Administration (NHTSA), and the International Association of Chiefs of Police (IACP), has experienced remarkable success since its inception in the early 1980s.

As in any educational training program, an instruction manual or guide is considered a "living document" that is subject to updates and changes based on advances in technology and science. A thorough review is made of information by the IACP Technical Advisory Panel (TAP) of the Highway Safety Committee of the IACP with contributions from many sources in health care science, toxicology, jurisprudence, and law enforcement. Based on this information, any appropriate revisions and modifications in background theory, facts, examination and decision making methods are made to improve the quality of the instruction as well as the standardization of guidelines for the implementation of the SFST curriculum. The reorganized manuals are then prepared and disseminated, both domestically and internationally, to the states. Changes will normally take effect 90 days after approval by the TAP, unless otherwise specified or when so designated.

The procedures outlined in this manual describe how the Standardized Field Sobriety Tests (SFSTs) are to be administered under ideal conditions. We recognize that the SFST's will not always be administered under ideal conditions in the field, because such conditions do not always exist. Even when administered under less than ideal conditions, they will generally serve as valid and useful indicators of impairment. Slight variations from the ideal, i.e., the inability to find a perfectly smooth surface at roadside, may have some effect on the evidentiary weight given to the results. However, this does not necessarily make the SFSTs invalid.

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Participant Manual

DWI Detection and Standardized Field Sobriety Testing (SFST)

Session 1 - Introduction

30 Minutes

Session 1

Introduction and Overview



DWI Detection and Standardized Field Sobriety Testing

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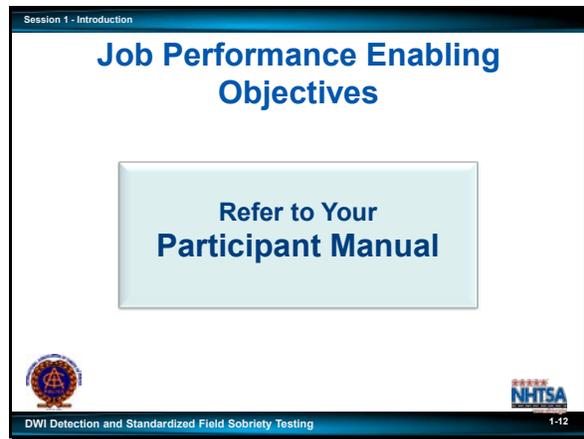
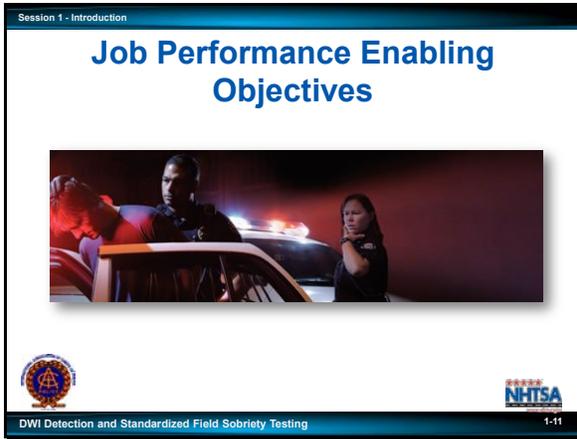
Job Performance Objectives

- Recognize and interpret evidence of DWI violations
- Administer and interpret Standardized Field Sobriety Tests (SFSTs)
- Describe DWI evidence clearly and convincingly
- Ensure video and/or audio evidence if available is consistent with other evidence



At the conclusion of this training, participants will demonstrate the ability to:

- Recognize and interpret evidence of DWI violations
- Administer and interpret Standardized Field Sobriety Tests
- Describe DWI evidence clearly and convincingly in written reports and verbal testimony
- Ensure video and/or audio evidence, if available, is consistent with other evidence



Job Performance Enabling Objectives

- Understand the tasks and decisions of DWI detection
 - Recognize the magnitude and scope of DWI-related crashes, deaths, injuries, property loss and other social aspects of the DWI problem
 - Understand the deterrent effects of DWI enforcement
 - Understand the DWI enforcement legal environment
 - Know and recognize typical vehicle maneuvers and human indicators symptomatic of DWI that are associated with initial observation of vehicles in operation
 - Know and recognize typical reinforcing maneuvers and indicators that come to light during the stopping sequence
 - Know and recognize typical sensory and other clues of alcohol and/or other drug impairment that may be seen during face to face contact with DWI subjects
 - Know and recognize typical behavioral clues of alcohol and/or other drug impairment that may be seen during the subject's exit from the vehicle
 - Understand the role and relevance of psychophysical testing in pre-arrest screening of DWI subjects
 - Understand the role and relevance of preliminary breath testing in pre-arrest screening of DWI subjects
 - Know and carry out appropriate administrative procedures for the Horizontal Gaze Nystagmus test
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DWI DETECTION AND STANDARDIZED FIELD SOBRIETY TESTING (SFST)

GLOSSARY OF TERMS

ADDICTION

Habitual, psychological, and physiological dependence on a substance beyond one's voluntary control.

ALVEOLAR BREATH

Breath from the deepest part of the lung.

BLOOD ALCOHOL CONCENTRATION (BAC)

The percentage of alcohol in a person's blood.

BREATH ALCOHOL CONCENTRATION (BrAC)

The percentage of alcohol in a person's breath, as measured by a breath testing device.

CLUE

Something that leads to the solution of a problem.

CUE

A reminder or prompting as a signal to do something. A suggestion or a hint.

DIVIDED ATTENTION

Concentrating on more than one thing at a time.

DIVIDED ATTENTION TEST

A test which requires the subject to concentrate on both mental and physical tasks at the same time. The two psychophysical tests Walk and Turn (WAT) and One Leg Stand (OLS) require the suspect to their divide attention.

DWI/DUI

The acronym "DWI" means driving while impaired and is synonymous with the acronym "DUI", driving under the influence or other acronyms used to denote impaired driving. These terms refer to any and all offenses involving the operation of vehicles by persons under the influence of alcohol and/or other drugs.

DWI DETECTION PROCESS

The entire process of identifying and gathering evidence to determine whether or not a suspect should be arrested for a DWI violation. The DWI detection process has three phases:

Phase One – Vehicle In Motion

Phase Two – Personal Contact

Phase Three – Pre -arrest Screening

EVIDENCE

Any means by which some alleged fact that has been submitted to investigation may either be established or disproved. Evidence of a DWI violation may be of various types:

- a. Physical (or real) evidence: something tangible, visible, or audible.
- b. Well established facts (judicial notice).
- c. Demonstrative evidence: demonstrations performed in the courtroom.
- d. Written matter or documentation.
- e. Testimony.

EXPERT WITNESS

A person skilled in some art, trade, science or profession, having knowledge of matters not within the knowledge of persons of average education, learning and experience, who may assist a jury in arriving at a verdict by expressing an opinion on a state of facts shown by the evidence and based upon his or her special knowledge. (NOTE: Only the court can determine whether a witness is qualified to testify as an expert.)

FIELD SOBRIETY TEST

Any one of several roadside tests that can be used to determine whether a subject is impaired.

GAIT ATAXIA

An unsteady, staggering gait (walk) in which walking is uncoordinated and appears to be "not ordered."

HORIZONTAL GAZE NYSTAGMUS (HGN)

Involuntary jerking of the eyes occurring as the eyes gaze to the side. The first test administered in the SFST battery.

NYSTAGMUS

An involuntary jerking of the eyes.

ONE LEG STAND (OLS)

A divided attention field sobriety test. One of the tests administered in the SFST battery.

PER SE

Used to describe a law which makes it illegal to drive while having a certain percentage of alcohol in the blood or breath.

PERSONAL CONTACT

The second phase in the DWI detection process. In this phase the officer observes and interviews the driver face to face; determines whether to ask the driver to step from the vehicle; and observes the driver's exit and walk from the vehicle.

PRE-ARREST SCREENING

The third phase in the DWI detection process. In this phase the officer administers field sobriety tests to determine whether there is probable cause to arrest the driver for DWI. Depending on agency policy, the officer may administer or could arrange to have a preliminary breath test conducted.

PRELIMINARY BREATH TEST (PBT)

A pre-arrest breath test administered during investigation of a possible DWI violator to obtain an indication of the person's blood alcohol concentration.

PROBABLE CAUSE

It is more than mere suspicion; facts and circumstances within the officer's knowledge, and of which he or she has reasonably trustworthy information, are sufficient to warrant a person of reasonable caution to believe that an offense has been or is being committed.

PSYCHOPHYSICAL

"Mind/Body." Used to describe field sobriety tests that measure a person's ability to perform both mental and physical tasks.

PSYCHOPHYSICAL TESTS

Methods of investigating the mental (psycho-) and physical characteristics of a person suspected of alcohol or drug impairment. Most psychophysical tests employ the concept of divided attention to assess a suspect's impairment.

REASONABLE SUSPICION

Less than probable cause but more than mere suspicion; exists when an officer, in light of his or her training and experience, reasonably believes and can articulate that criminal activity is taking, has taken or is about to take place.

RESTING NYSTAGMUS

Jerking of the eyes as they look straight ahead.

STANDARDIZED FIELD SOBRIETY TEST BATTERY

Standardized Field Sobriety Testing. There are three SFSTs, namely Horizontal Gaze Nystagmus (HGN), Walk and Turn, and One Leg Stand. Based on a series of controlled laboratory studies, scientifically validated clues of alcohol impairment have been identified for each of these three tests. They are the only Standardized Field Sobriety Tests for which validated clues have been identified

TIDAL BREATH

Breath from the upper part of the lungs and mouth.

TRAFFIC SAFETY RESOURCE PROSECUTOR (TSRP)

Is usually a current or former prosecutor who provides training, education and technical support to traffic crimes prosecutors and law enforcement agencies throughout their state. (For the contact information of your TSRP, contact your Highway Safety Office).

VALID

Conforming to accepted principles. Producing accurate and reliable results.

VALIDATED

A documented act of demonstrating that a procedure, process, and/or activity will consistently lead to accurate and reliable results.

VEHICLE IN MOTION

The first phase in the DWI detection process. In this phase the officer observes the vehicle in operation, determines whether to stop the vehicle, and observes the stopping sequence.

VERTICAL GAZE NYSTAGMUS

An involuntary jerking of the eyes (up and down) which occurs when the eyes gaze upward at maximum elevation. The jerking should be distinct and sustained.

WALK AND TURN (WAT)

A divided attention field sobriety test. One of the tests administered in SFST battery.

Participant Manual

DWI Detection and Standardized Field Sobriety Testing (SFST)

Session 2 - Detection and General Deterrence

50 Minutes

Session 2

Detection and General Deterrence



DWI Detection and Standardized Field Sobriety Testing

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Session 2 – Detection and General Deterrence

Learning Objectives

- Describe frequency of DWI violations and crashes
- Define general deterrence
- Describe relationship between detection and general deterrence
- Describe a brief history of alcohol
- Identify common types of alcohol
- Describe physiological processes of alcohol absorption, distribution, and elimination




DWI Detection and Standardized Field Sobriety Testing 2-2

Learning Objectives

At the conclusion of this session, participants will be able to:

- Describe the frequency of DWI violations and crashes
- Define general deterrence
- Describe the relationship between detection and general deterrence
- Describe a brief history of alcohol
- Identify common types of alcohol
- Describe the physiological processes of absorption, distribution, and elimination of alcohol in the body

<u>CONTENT SEGMENTS</u>	<u>LEARNING ACTIVITIES</u>
A. A. The DWI Problem.....	Instructor-Led Presentations
B. B. The Concept of General Deterrence	Video Presentation
C. C. Relating Detection to Deterrence Potential	Reading Assignments
D. Evidence of Effective Detection and Effective Deterrence	
E. Physiology of Alcohol	

Session 2 – Detection and General Deterrence

National Statistics

What number of drivers commit this violation?



Weekend Nights – 10% or More



DWI Detection and Standardized Field Sobriety Testing 2-6

A frequently quoted, and often misinterpreted, statistic places the average incidence of DWI at one driver in fifty. Averaged across all hours of the day and all days of the week, two percent of the drivers on the road are DWI. The 1 in 50 figure is offered as evidence that a relatively small segment of America's drivers, the so called "problem" group, account for the majority of traffic deaths. There's nothing wrong with that figure as a statistical average, but police officers know that at certain times and places many more than two percent of drivers are impaired. NHTSA research suggests that during the late night, weekend hours, as many as 10% of drivers on the roads may be DWI. On certain holiday weekends, and other critical times, the figure may go even higher.

How Many? How Often?

The issue of how many DWIs are on the road at any given time is an important factor in measuring the magnitude of the problem. However, from an overall traffic safety perspective, the more important issue may be the number of drivers who ever commit DWI. Just how widespread is this violation?

Session 2 – Detection and General Deterrence

Average DWI Violator

- Drives intoxicated 80 times before arrest
- Once every four or five nights
- Some every day



DWI Detection and Standardized Field Sobriety Testing 2-7

Although it may be true that, on the average, two percent of drivers are DWI at any given time, it certainly is not the same two percent every time. Not everyone who commits DWI is out on the road impaired every Friday and Saturday night. Some of them, at least, must skip an occasional weekend. Thus, the 10% who show up, weekend after weekend, in the Friday and Saturday statistics must come from a larger pool of violators, each of whom "contributes" to the statistics on some nights, but not necessarily on all nights.

There are some who drive impaired virtually everyday; others commit the violation less often. It is likely that at least one quarter of all American motorists drive while impaired at least once in their lives. That figure falls approximately midway between the 55% of drivers who at least occasionally drive after drinking and the 10% of weekend, nighttime drivers who have BACs above the legal limit.

Session 2 – Detection and General Deterrence

General Deterrence



The fear of arrest



DWI Detection and Standardized Field Sobriety Testing 2-14

B. Concept of General Deterrence

The fear of arrest is the leading deterrent.

One approach to reducing the number of drinking drivers is general deterrence of DWI. General deterrence of DWI is based in the driving public's fear of being arrested. If enough violators come to believe that there is a good chance that they will get caught, at least some of them will stop committing DWI at least some of the time. However, unless there is a real risk of arrest, there will not be much fear of arrest.

Law enforcement officers must arrest enough violators enough of the time to convince the general public that they will get caught, sooner or later, if they continue to drive while impaired.

How many DWI violators must be arrested in order to convince the public that there is a real risk of arrest for DWI?

Several programs have demonstrated that significant deterrence can be achieved by arresting one DWI violator for every 400 DWI violations committed. Currently, however, for every DWI violator arrested, there are between 500 and 2,000 DWI violations committed.

General Deterrence

There is no reason to fear arrest



When the chances of being arrested are one in two thousand, the average DWI violator really has little to fear.

There are three noteworthy reasons.

- DWI violators vastly outnumber police officers. It is not possible to arrest every drinking driver each time they commit DWI.
- Some officers are not highly skilled at DWI detection. They fail to recognize and arrest many DWI violators.
- Some officers are not motivated to detect and arrest DWI violators.

Session 2 – Detection and General Deterrence

The Ultimate Goal: Changing Behavior

The goal is to encourage more Americans to:

- Avoid committing DWI
- Control drinking prior to driving
- Select alternative transportation
- Avoid riding with impaired drivers
- Recognize impaired driving is unacceptable behavior at all levels



DWI Detection and Standardized Field Sobriety Testing 2-18

The Solutions

The Ultimate Goal: Changing Behavior

What must the comprehensive community based DWI programs seek to accomplish?

Ultimately, nothing less than fundamental behavioral change, on a widespread basis. The goal is to encourage more Americans to:

- Avoid committing DWI, either by avoiding or controlling drinking prior to driving or by selecting alternative transportation.
- Intervene actively to prevent others from committing DWI (for example, putting into practice the theme "friends don't let friends drive drunk")
- Avoid riding with drivers who are impaired.

The final test of the value of DWI countermeasures on the national, state and local levels is whether they succeed in getting significantly more people to modify their behavior. The programs also pursue other more immediate objectives that support or reinforce the ultimate goal. However, the ultimate goal is to change driving while impaired to an unacceptable form of behavior at all levels.

Session 2 – Detection and General Deterrence

Prevention

- Promote positive attitudes
- DWI is wrong
- No one has the right to endanger others
- DWI cannot be tolerated or condoned



DWI Detection and Standardized Field Sobriety Testing 2-20

Prevention: the Ultimate Solution

DWI countermeasures that strive for the ultimate achievement of drinking and driving behavioral changes have been grouped under the label "Prevention." There are many kinds of DWI preventive activities. Some are carried out by and in our schools, some through the mass media, some through concerned civic groups, and so forth. The various preventive efforts focus on different specific behaviors and address different target groups.

However, they seek to change drinking and driving behavior by promoting more positive attitudes and by fostering a set of values that reflects individual responsibilities toward drinking and driving.

Preventive countermeasures seek society's acceptance of the fact that DWI is wrong. Some people believe that drinking and driving is strictly an individual's personal business; that it is up to each person to decide whether or not to accept the risk of driving after drinking. Preventive activities try to dispel that outmoded and irresponsible belief. Instead, they promote the idea that no one has the right to endanger others by drinking and driving, or to risk becoming a burden (economically and otherwise) to others as a result of injuries suffered while drinking and driving. Realistically, everyone has an obligation not only to control their own drinking and driving, but also to speak up when others are about to commit the violation. Only when all of society views DWI as a negative behavior that cannot be tolerated or condoned, will the public's behavior begin to change. That is the long term solution.

Session 2 – Detection and General Deterrence

Deterrence

- Driving public's fear of being arrested
- Enough violators must be arrested to convince public they will get caught



DWI Detection and Standardized Field Sobriety Testing 2-21

Session 2 – Detection and General Deterrence

Deterrence

- Deterrence is negative reinforcement
- Strives to change DWI behavior.



DWI Detection and Standardized Field Sobriety Testing 2-22

General deterrence of DWI is based on the driving public's fear of being arrested. If enough violators come to believe that there is a good chance that they will get caught, some of them (at least) will stop committing DWI at least some of the time.

Unless there is a real risk of being arrested, there will not be much fear of arrest.

Law enforcement must arrest enough violators to convince the public that they will get caught, if they continue to drive while impaired.

C. Relating Detection to Deterrence Potential

Deterrence: the Interim Solution

DWI countermeasures that seek a short cut to the ultimate goal of behavioral change usually are labeled "Deterrence." Deterrence can be described as negative reinforcement. Some deterrence countermeasures focus primarily on changing individual drinking and driving behavior while others seek to influence people to intervene into others' drinking and driving decisions.

The key feature of deterrence is that it strives to change DWI behavior without dealing directly with the prevailing attitudes about the rightness or wrongness of DWI. Deterrence uses a mechanism quite distinct from attitudinal change: fear of apprehension and application of sanctions.

Session 2 – Detection and General Deterrence

The Fear of Being Caught and Punished

- Fear long term costs and inconvenience



DWI Detection and Standardized Field Sobriety Testing 2-23

The Fear of Being Caught and Punished

Large scale DWI deterrence programs try to control the DWI behavior of the driving public by appealing to the public's presumed fear of being caught. Most actual or potential DWI violators view the prospect of being arrested with extreme distaste. For some, the arrest, with its attendant handcuffing, booking, publicity and other stigmatizing and traumatizing features, is the thing most to be feared. For others, it is the prospective punishment (jail, stiff fine, etc.) that causes most of the concern. Still others fear most the long term costs and inconvenience of a DWI arrest: the license suspension and increased premiums for automobile insurance. For many violators the fear probably is a combination of all of these. Regardless, if enough violators are sufficiently fearful of DWI arrest, some of them will avoid committing the violation at least some of the time. Fear by itself will not change their attitudes; if they do not see anything inherently wrong with drinking and driving in the first place, the prospect of arrest and punishment will not help them come to this realization. However, fear sometimes can be enough to keep them from putting their anti-social attitudes into practice.

This type of DWI deterrence, based on the fear of being caught, is commonly called general deterrence. It applies to the driving public generally and presumably affects the behavior of those who have never been caught. There is an element of fear of the unknown at work here.

Session 2 – Detection and General Deterrence

Specific Deterrence

- Those who have been caught and arrested
- Public must perceive that there is an appreciable risk of being caught and convicted
- Enforcement creates and sustains fear of being caught




DWI Detection and Standardized Field Sobriety Testing 2-24

Session 2 – Detection and General Deterrence

Specific Deterrence

- Supportive roles: Legislators, Prosecutors, Judiciary, and Media




DWI Detection and Standardized Field Sobriety Testing 2-25

Another type of DWI deterrence, called specific deterrence, applies to those who have been caught and arrested. The typical specific deterrent involves some type of punishment, perhaps a fine, involuntary community service, a jail term or action against the driver's license. The punishment is imposed in the hope that it will convince the specific violator that there is indeed something to fear as a result of being caught, and to emphasize that if there is a next time, the punishment will be even more severe. It is the fear of the known that comes into play in this case.

The concept of DWI deterrence through fear of apprehension or punishment seems sound. But will it work in actual practice? The crux of the problem is this: If the motoring public is to fear arrest and punishment for DWI, they must perceive that there is an appreciable risk of being caught and convicted if they commit the crime. If actual and potential DWI violators come to believe that the chance of being arrested is minimal, they will quickly lose whatever fear of arrest they may have felt.

Enforcement is the mechanism for creating and sustaining a fear of being caught for DWI. No specific deterrence program can amount to much, unless police officers arrest large numbers of violators; no punishment or rehabilitation program can affect behavior on a large scale unless it is applied to many people. General deterrence depends on enforcement -- the fear of being caught is a direct function of the number of people who are caught.

Obviously, the police alone cannot do the job. Legislators must supply laws that the police can enforce. Prosecutors must vigorously prosecute DWI violators, and the judiciary must adjudicate fairly and deliver the punishments prescribed by law. The media must publicize the enforcement effort and communicate the fact that the risk is not worth the probable outcome. Each of these elements plays a supportive role in DWI deterrence.

Session 2 – Detection and General Deterrence

How Much Deterrence is Enough?

For every DWI violator arrested, there are approximately 600 undetected DWI violations




DWI Detection and Standardized Field Sobriety Testing 2-26

Session 2 – Detection and General Deterrence

How Great is the Risk?

- Does the average DWI violator fear arrest?
- Should they be afraid?
- Intense publicity may enhance the perceived risk




DWI Detection and Standardized Field Sobriety Testing 2-27

How much deterrence is enough?

Estimates from around the country vary. For every DWI violator arrested, there are approximately 600 undetected DWI violations.

According to the National Survey on Drug Use and Health (2013), more than 28 million people drove under the influence of alcohol. According to the CDC (2011), the average person who reported driving under the influence also reported doing so an average of 28 times per year. This results in approximately 784 million DWIs per year. According to the FBI UCR, 1.28 million DWI arrests were made in 2012, which means law enforcement arrested approximately one out of every 612 DWI episodes.

How Great is the Risk?

The question now is, are violators afraid of being caught? More importantly, should they be afraid? Is there really an appreciable risk of being arrested if one commits DWI?

The answer to all of these questions unfortunately is: probably not. In most jurisdictions, the number of DWI arrests appears to fall short of what would be required to sustain a public perception that there is a significant risk of being caught.

Sometimes, it is possible to enhance the perceived risk, at least for a while, through intensive publicity. However, media "hype" without intensified enforcement has never been enough to maintain the fear of arrest for very long.

Session 2 – Detection and General Deterrence

Stockton, California

3 Year Intensive Weekend DWI Enforcement

- **Before: Arrest/violation ratio of 1 in 2000 or less, 9% of weekend drivers were operating with BAC of 0.10 or higher**
- **During: Intensive DWI enforcement on weekends nights**
- **Officers intensively trained, enforcement publicized, justice community coordinated**




DWI Detection and Standardized Field Sobriety Testing 2-30

Session 2 – Detection and General Deterrence

Stockton, California

- **Arrests increased 500%**
- **Weekend nighttime crashes decreased 34%**
- **Proportion of nighttime, weekend drivers legally under the influence dropped from 9% to 6%**




DWI Detection and Standardized Field Sobriety Testing 2-31

Several enforcement programs have succeeded in achieving significant DWI deterrence. Consider, for example, the three year intensive weekend DWI enforcement program in Stockton, California.

As early as 1975, a study showed that the city's total number of DWI arrests (700) were considerably less than one percent of the areas licensed number of drivers (130,000). The implication here was that Stockton police were only maintaining the arrest/violation ration of 1:2,000, or less. In addition, roadside surveys on Friday and Saturday nights disclosed that nine percent of the drivers were operating with BAC's of 0.10 or higher.

Then things changed.

Beginning in 1976 and continuing at planned intervals through the first half of 1979, Stockton police conducted intensive DWI enforcement on weekend nights. The officers involved were extensively trained. The enforcement effort was heavily publicized and additional equipment (PBTs and cassette recorders) was made available. The police effort was closely coordinated with the District Attorney's office, the County Probation office, and other allied criminal justice and safety organizations.

All this paid off. By the time the project came to a close (in 1979) DWI arrests had increased by over 500%, and weekend nighttime collisions had decreased by 34%, and the number of operators committing DWI dropped one third.

The implication of this study, and of other similar studies, is that for every DWI violator actually arrested for DWI, three others are contacted by police officers, but are not arrested for DWI. It is clear that significant improvement in the arrest rate could be achieved if officers were more skilled at DWI detection.



Session 2 – Detection and General Deterrence

Improve DWI Detection

Keys to success:

- Officers skilled at DWI detection
- Willing to arrest all violators detected
- Policies and application supported by agency

In each state where the number of DWI arrests increased, alcohol related crash fatalities decreased




DWI Detection and Standardized Field Sobriety Testing 2-32

Session 2 – Detection and General Deterrence

Detection: Key to Deterrence

- Deterrence can vastly exceed the level of enforcement officers achieve
- In Stockton, increased enforcement effort convinced at least one third of the violators to change their behavior substantially




DWI Detection and Standardized Field Sobriety Testing 2-33

Improved DWI detection can be achieved in virtually every jurisdiction in the country.

The keys to success are police officers who are:

- Skilled at DWI detection
- Willing to arrest every DWI violator who is detected
- Supported by their agencies in all aspects of this program, from policy through practical application

Since the historical Stockton study numerous states have conducted similar studies to determine the degree of effect that DWI arrests would have on alcohol related fatalities in general, and total fatalities in particular. Most of these studies were conducted between 1978 and 1986.

The results of these studies graphically illustrated in each state that when the number of arrests for DWI increased, the percentage of alcohol related fatalities decreased. Further, the results of a study conducted in Florida from 1981-1983, showed that when DWI arrests per licensed driver increased, total fatalities decreased (12 month moving average).

Detection: The Key to Deterrence

It is important to understand how increased DWI enforcement can affect deterrence. Deterrence can vastly exceed the level of enforcement officers achieve on any given night. True, weekend DWI arrests can increase by as much as 500 %, as in the Stockton study.

Session 2 – Detection and General Deterrence

Example of General Deterrence

When arrest/violation ratio is 1 in 400:

- Many violators **WILL** be caught
- General perception level of being caught increases
- Behavior changes




DWI Detection and Standardized Field Sobriety Testing 2-34

Session 2 – Detection and General Deterrence

Increased DWI Detection Skills

- Community benefits
- Officers recognize cues and clues
- Gained confidence in field sobriety tests
- Fewer violators stopped avoided arrest




DWI Detection and Standardized Field Sobriety Testing 2-35

The law of averages quickly starts to catch up with DWI drivers. Unless violators change their behavior, many of them will be caught, or at least will have known someone who has been arrested. Coupled with the heavy publicity given to the enforcement effort, those experiences were enough to raise the perception level of apprehension among DWI operators that sooner or later they would be caught. As a result, many of them changed their behavior. This is the best example of general deterrence.

In addition, during the same time that DWI arrests went up over 500% in Stockton, citations for other traffic violations increased by a comparatively modest 99%. The implication is that Stockton's officers were stopping and contacting only twice as many possible violators as they had before, but they were coming up with more than five times as many arrests.

What have the results of these studies shown? Basically, they have shown that a community will benefit from their officers' increased skills at DWI detection. Principally because of their special training, the officers were better able to recognize "cues" of impairment when they observed vehicles in motion, and they were more familiar with the "clues" or human indicators of impairment exhibited by violators during personal contact. The officers also had more confidence in the field sobriety tests they used to investigate their suspects. The most important factor was that far fewer of the violators being stopped now avoided detection and arrest.

The difficulty in detecting DWI among operators personally contacted by officers has been well documented. Analysis of roadside survey and arrest data suggest that for every DWI violator arrested, three others actually have face to face contact with police officers but are allowed to go without arrest. Direct support of that inference was found in the Fort Lauderdale BAC study, where researchers demonstrated that police officers arrested only 22% of the DWI operators they contacted, whose BAC levels were subsequently shown to be between 0.10 and 0.20.

Session 2 – Detection and General Deterrence

Alcohol

A family of closely related chemicals whose molecules are made up of hydrogen, carbon, and oxygen.



DWI Detection and Standardized Field Sobriety Testing 2-37

Session 2 – Detection and General Deterrence

Some Types of Alcohol

- **Methyl Alcohol (Methanol)**
- **Ethyl Alcohol (Ethanol)**
- **Isopropyl Alcohol (Isopropanol)**



DWI Detection and Standardized Field Sobriety Testing 2-38

E. Physiology of Alcohol

A brief overview of alcohol:

Alcohol is the most abused drug in the United States.

"Alcohol" is the name given to a family of closely related and naturally occurring chemicals. Each of the chemicals that is called an "alcohol" contains a molecule chemists refer to as a "hydroxy radical." This radical contains one oxygen atom and one hydrogen atom bonded together. The simplest alcohol has only one carbon atom, three hydrogen atoms, and one hydroxy radical. The next alcohol has two carbon atoms, five hydrogen atoms and one hydroxy radical. The third alcohol has three carbon atoms, seven hydrogen atoms and one hydroxy radical. That is how the alcohols differ from one another.

Alcohols are molecularly very similar and produce similar effects. They produce intoxicating effects when ingested into the human body. Only one of them is meant for human consumption. However, when ingested in substantial quantities it can cause death.

Three of the more commonly known alcohols are Methyl, Ethyl, and Isopropyl.

- Methyl alcohol also known as Methanol or wood alcohol
- Ethyl alcohol also known as Ethanol or beverage alcohol
- Isopropyl Alcohol (Isopropanol) also known as rubbing alcohol

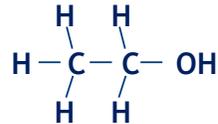
Ethanol

Ethyl Alcohol
(Intended for human consumption)

Chemical Symbols

ETOH

C₂H₅OH



The ingestible alcohol is known as ethyl alcohol, or ethanol. Its chemical abbreviation is ETOH. The "ET" stands for "ethyl" and the "OH" represents the single oxygen atom bonded to one of the hydrogen atoms, ("hydroxy radical"). Ethanol is the variety of alcohol that has two carbon atoms. Two of ethanol's best known analogs are methyl alcohol (or methanol), commonly called "wood alcohol", and isopropyl alcohol (or isopropanol), also known as "rubbing alcohol".

Session 2 – Detection and General Deterrence

Ethanol Production - Fermentation

Yeast combines with sugars from fruit or grains in a chemical reaction that results in ETOH



DWI Detection and Standardized Field Sobriety Testing 2-40

Session 2 – Detection and General Deterrence

Ethanol Production - Distillation

Fermented beverage is boiled at a controlled temperature to extract and concentrate the ethanol fumes



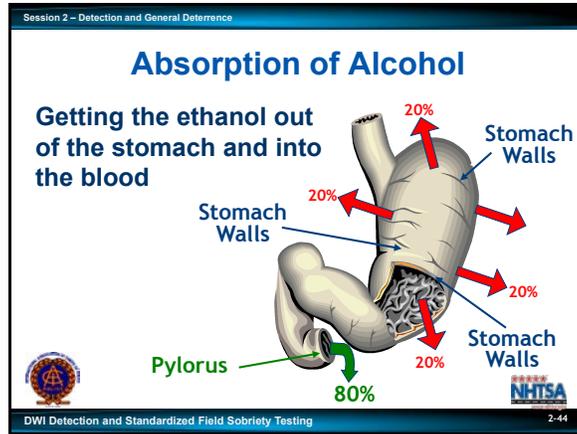
DWI Detection and Standardized Field Sobriety Testing 2-41

Ethanol is what interests us because it is the kind of alcohol that features prominently in impaired driving. Ethanol is beverage alcohol, the active ingredient in beer, wine, whiskey, liquors, etc. Ethanol production starts with fermentation. That is a kind of decomposition in which the sugars in fruit, grains and other organic materials combine with yeast to produce the chemical we call ethanol. This can occur naturally, as yeast spores in the air come into contact with decomposing fruit and grains. However, most of the ethanol in the world didn't ferment naturally, but was produced under human supervision.

When an alcoholic beverage is produced by fermentation, the maximum ethanol content that can be reached is about 14%. At that concentration, the yeast dies, so the fermentation stops. Obtaining a higher ethanol content requires a process called distillation. This involves heating the beverage until the ethanol "boils off", then collecting the ethanol vapor. It is possible to do this because ethanol boils at a lower temperature than does water.

Distilled spirits is the name we give to high ethanol concentration beverages produced by distillation. These include rum, whiskey, gin, vodka, etc. The ethanol concentration of distilled spirits usually is expressed in terms of proof, which is a number corresponding to twice the ethanol percentage.

For example, an 80 proof beverage has an ethanol concentration of 40%.



Once the ethanol gets into the stomach, it has to move into the blood. The process by which this happens is known as absorption. One very important fact that pertains to alcohol absorption is that it doesn't have to be digested in order to move from the stomach to the blood.

Another very important fact is that alcohol can pass directly through the walls of the stomach. These two facts, taken together, mean that, under the right circumstances, absorption of alcohol can be accomplished fairly quickly. The ideal circumstance for rapid absorption is to drink on an empty stomach.

When the alcohol enters the empty stomach, about 20% of it will make its way directly through the stomach walls. The remaining 80% will pass through the stomach and enter the small intestine, from which it is readily absorbed into the blood. Because the body doesn't need to digest the alcohol before admitting it into the bloodstream, the small intestine will be open to the alcohol as soon as it hits the stomach.

But what if there is food in the stomach? Suppose the person has had something to eat shortly before drinking, or eats food while drinking; will that affect the absorption of alcohol?

Yes it will. Food has to be at least partially digested in the stomach before it can pass to the small intestine. When the brain senses that food is in the stomach, it commands a muscle at the base of the stomach to constrict, and cut off the passage to the small intestine. The muscle is called the pylorus, or pyloric valve. As long as it remains constricted, little or nothing will move out of the stomach and into the small intestine. If alcohol is in the stomach along with the food, the alcohol will also remain trapped behind the pylorus. Some of the alcohol trapped in the stomach will begin to break down chemically before it ever gets into the blood. In time, as the digestive process continues, the pylorus will begin to relax, and some of the alcohol and food will pass through. But the overall effect will be to slow the absorption significantly. Because the alcohol only slowly gets into the blood, and because the body will continue to process and eliminate the alcohol that does manage to get in there, the drinker's BAC will not climb as high as it would have if he or she had drunk on an empty stomach.

Session 2 - Detection and General Deterrence

Test Your Knowledge

- Name three different chemicals that are alcohols.
- Which of these is beverage alcohol, intended for human consumption?
- What is the chemical symbol for beverage alcohol?
- What is the name of the chemical process by which beverage alcohol is produced naturally?
- What is the name of the process used to produce high concentration beverage alcohol?



DWI Detection and Standardized Field Sobriety Testing

Session 2 - Detection and General Deterrence

Test Your Knowledge

- Blood alcohol concentration is the number of _____ of alcohol in every 100 milliliters of blood.
 - Grams
 - Milligrams
 - Nanograms.



DWI Detection and Standardized Field Sobriety Testing

3. Name three different chemicals that are alcohols.

4. Which of these is beverage alcohol, intended for human consumption?

5. What is the chemical symbol for beverage alcohol?

6. What is the name of the chemical process by which beverage alcohol is produced naturally?

7. What is the name of the process used to produce high concentration beverage alcohol?

8. Multiple choice: Blood alcohol concentration is the number of of alcohol in every 100 milliliters of blood.

- Grams
- Milligrams
- Nanograms

Session 2 – Detection and General Deterrence

Test Your Knowledge

9. True or false: Pound for pound, the average woman contains more water than does the average man

10. What do we mean by the “proof” of an alcoholic beverage?

11. Every chemical that is an “alcohol” contains what three elements?



DWI Detection and Standardized Field Sobriety Testing

Session 2 – Detection and General Deterrence

Test Your Knowledge

12. True or false: Most of the alcohol that a person drinks is absorbed into the blood via the small intestine

13. What is the name of the muscle that controls the passage from the stomach to the lower gastrointestinal track?

14. True or false: Alcohol can pass directly through the stomach walls and enter the bloodstream.



DWI Detection and Standardized Field Sobriety Testing

9. True or false: Pound for pound, the average woman contains more water than does the average man.

10. What do we mean by the "proof" of an alcoholic beverage?

11. Every chemical that is an "alcohol" contains what three elements?

12. True or false: Most of the alcohol that a person drinks is absorbed into the blood via the small intestine.

13. What is the name of the muscle that controls the passage from the stomach to the lower gastrointestinal tract?

14. True or false: Alcohol can pass directly through the stomach walls and enter the bloodstream.

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Participant Manual

DWI Detection and Standardized Field Sobriety Testing (SFST)

Session 3 - The Legal Environment

1 Hour 10 Minutes

Session 3

The Legal Environment



DWI Detection and Standardized Field Sobriety Testing

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Learning Objectives

Become familiar with:

- Elements of DWI offenses
- Implied consent
- Chemical test evidence
- Case law



An understanding of impaired driving laws that apply in your jurisdiction is critical to successful DWI enforcement.

All states (and many local jurisdictions) have their own impaired driving laws. While the specific language of these laws may vary significantly, most include the following provisions:

- DWI Law
- Per Se law
- Implied Consent
- Preliminary Breath Testing

At the conclusion of this session, participants will be familiar with:

- Elements of DWI offenses
- Provisions of implied consent
- The relevance of chemical test evidence
- Precedents established through case law

In this session impaired driving laws are discussed in detail. The illustrations provided are drawn from the Uniform Vehicle Code. You are responsible for learning whether and how each law applies in your jurisdiction.

Per Se and DWI

Each defines a separate offense:

- **DWI – driving while under influence**
 - Chemical test is some evidence
- **Per Se – operate while having more than legal percent of alcohol in blood or breath**
 - Chemical test is conclusive evidence



The Per Se law does not replace every other DWI statute. Rather, the two can be prosecuted at the same time. Each defines a separate offense:

- The DWI law makes it an offense to drive while under the influence of alcohol and/or any drug.
- The Per Se law makes it an offense to drive while having more than a certain percentage of alcohol in the blood or breath.

For the DWI offense, the chemical test result is some evidence. For the Per Se offense, the chemical test result is conclusive evidence.

The principal purpose of the Per Se law is to aid in prosecution of DWI offenders. It is not necessary for the prosecutor to show that the driver was "under the influence." It is sufficient for the state to show that the driver's BAC was at or above the state's level.

Important to remember, an officer must still have probable cause to believe that the driver is impaired before making an arrest. Implied consent usually requires that the driver be arrested before the request of a chemical test. The law also requires that the arrest be made for "acts alleged to have been committed while operating a vehicle while under the influence." Therefore, the officer usually must establish probable cause that the offense has been committed and make a valid arrest before the chemical test can be requested.

Elements of Implied Consent

- Operates or controls motor vehicle
- Operator shall be deemed to have given consent to chemical test to determine blood alcohol and/or drug content
- When arrested for DWI
- Drivers who refuse may be subject to license sanctions



Implied consent states drivers must submit to a chemical test(s). The law provides penalties for refusal to submit to the test. The law may also provide that the individual's driver's license may be suspended or revoked if the refusal is found to be unreasonable. The purpose of implied consent is to encourage those arrested for DWI to submit to a chemical test so that valuable evidence may be obtained.

Session 3 – The Legal Environment

Test Your Knowledge

1. If DWI is a criminal offense, the standard of proof is _____.
2. The purpose of implied consent is _____.



DWI Detection and Standardized Field Sobriety Testing 3-20

Session 3 – The Legal Environment

Test Your Knowledge

3. For the Per se offense, chemical test result is _____ evidence.
4. The Per Se law makes it unlawful to _____.



DWI Detection and Standardized Field Sobriety Testing 3-21

Session 3 – The Legal Environment

Test Your Knowledge

5. The PBT law permits a police officer to request a driver suspected of DWI to _____.
6. PBT results are used to help determine _____.



DWI Detection and Standardized Field Sobriety Testing 3-22

INSTRUCTIONS: Complete the following sentences.

1. If DWI is a criminal offense, the standard of proof is _____.

2. The purpose of implied consent is _____.

3. For the Per se offense, chemical test result is _____ evidence.

4. The Per Se law makes it unlawful to _____.

5. The PBT law permits a police officer to request a driver suspected of DWI to _____.

6. PBT results are used to assist in determining _____.

Participant Manual

DWI Detection and Standardized Field Sobriety Testing (SFST)

Session 4 - Overview of Detection, Note Taking, and Testimony

50 Minutes

Session 4

Overview of
Detection,
Note Taking,
and Testimony



DWI Detection and Standardized Field Sobriety Testing

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Learning Objectives

- Three phases of detection
- Tasks and key decision of each phase
- Uses of a standard note taking guide
- Guidelines for effective testimony
 - Conduct a thorough pre-trial review of all evidence and prepare for testimony
 - Provide clear, accurate and descriptive direct testimony concerning DWI Investigations



Upon successfully completing this session the participant will be able to:

- Describe the three phases of detection.
- Describe the tasks and key decision of each phase.
- Discuss the uses of a standard note taking guide.
- Discuss guidelines for effective testimony.

Detection is both the most important and difficult task in the DWI enforcement effort. If officers fail to detect DWI offenders, the DWI countermeasures program will ultimately fail. If officers do not detect and arrest DWI offenders, then prosecutors cannot prosecute them, the courts and driver licensing officials cannot impose sanctions on them, and treatment and rehabilitation programs will go unused.

CONTENT SEGMENTS..... LEARNING ACTIVITIES

- A. Three Phases of Detection.....Instructor-Led Presentation
- B. DWI Investigation Field Notes Reading Assignments
- C. Courtroom Testimony

DWI Detection

The entire process of identifying and gathering evidence to determine if a subject should be arrested for a DWI violation.

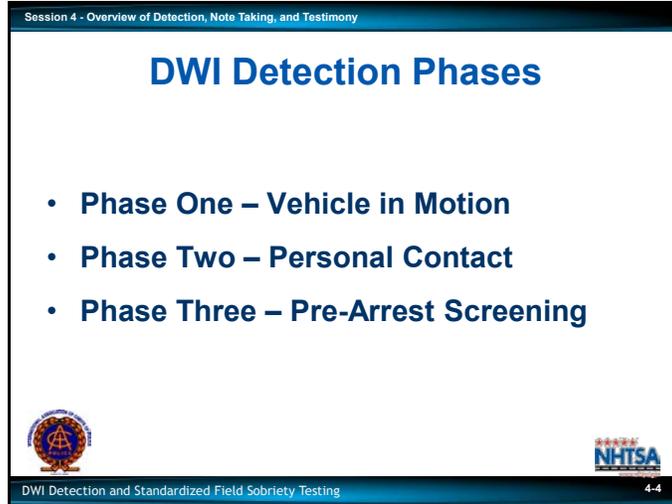


The term DWI detection has been used in many different ways. Consequently it does not mean the same thing to all law enforcement officers. For the purposes of this training, DWI detection is defined as: The entire process of identifying and gathering evidence to determine if a subject should be arrested for a DWI violation.

Detection begins when the officer develops the first suspicion of a DWI violation.

Detection ends when the officer decides whether or not there is sufficient probable cause to arrest the driver for DWI. Your attention may be called to a particular vehicle or individual for a variety of reasons. The precipitating event may be a loud noise, an obvious equipment or moving violation, behavior that is unusual, but not necessarily illegal, or almost anything else. Initial detection may carry with it an immediate suspicion that the driver is impaired; or a slight suspicion; or even no suspicion at all. In any case, it sets in motion a process wherein you focus on a particular vehicle or individual and have the opportunity to observe that vehicle or individual and to gather additional evidence.

The detection process ends when you decide either to arrest or not to arrest the individual for DWI. That decision is based on all of the evidence that has come to light since your attention was first drawn to the vehicle or individual. Effective DWI enforcers do not leap to the arrest/no arrest decision. Rather, they proceed carefully through a series of intermediate steps, each of which helps to identify the collective evidence.



A. Three Phases of Detection

The typical DWI contact involves three separate and distinct phases:

- Phase One: Vehicle in motion
- Phase Two: Personal contact
- Phase Three: Pre-arrest screening

In Phase One, you usually observe the driver operating the vehicle.

In Phase Two, after you have stopped the vehicle, there usually is an opportunity to observe and speak with the driver face to face.

In Phase Three, you usually have an opportunity to administer Standardized Field Sobriety Tests to the driver to determine impairment.

In addition to SFSTs, some jurisdictions may allow you to administer other field sobriety tests, and/or a preliminary breath test (PBT) to verify that alcohol is the cause of the impairment. PBTs can be used to assist in making an arrest decision and should rarely be the only factor in deciding to arrest. PBTs should be used after administering SFSTs.

The DWI detection process does not always include all three phases. Sometimes there are DWI detection contacts in which Phase One is absent. These are cases in which you have no opportunity to observe the vehicle in motion. This may occur at the crash scene, at a roadblock or checkpoint, or when you have responded to a request for motorist assistance. Sometimes there are DWI contacts in which Phase Three is absent. There are cases in which you would not administer formal tests to the driver. This may occur when the driver is grossly impaired, badly injured, or refuses to submit to tests.

Decisions

- **Phase One: Vehicle in Motion - Should I stop the vehicle?**
- **Phase Two - Personal Contact - Should the driver exit?**
- **Phase Three - Pre-arrest Screening - Is there probable cause to arrest the suspect for DWI?**



In Phase One: Your first task is to observe the vehicle in operation. Based on this observation, you must decide whether there is sufficient cause to command the driver to stop. Your second task is to observe the stopping sequence. You may want to take a picture of the vehicle or scene, especially if the vehicle was involved in a crash.

In Phase Two: Your first task is to observe and interview the driver face to face. Based on this observation, you must decide whether there is sufficient cause to instruct the driver to step from the vehicle for further investigation. Your second task is to observe the driver's exit and walk from the vehicle. You may want to take a photo of the defendant.

In Phase Three: Your first task is to administer structured, formal psychophysical tests. Based on these tests, you must decide whether there is sufficient probable cause to arrest the driver for DWI. Your second task is then to arrange for (or administer) a Preliminary Breath Test.

Session 4 - Overview of Detection, Note Taking, and Testimony

Possible Outcomes

Yes - Do It Now

- Phase One: Yes, there are reasonable grounds to stop the vehicle
- Phase Two: Yes, there is enough reason to suspect impairment to justify getting the driver out of the vehicle for further investigation
- Phase Three: Yes, there is probable cause to arrest driver for DWI right now




DWI Detection and Standardized Field Sobriety Testing 4-7

Session 4 - Overview of Detection, Note Taking, and Testimony

Possible Outcomes

Wait - Look for Additional Evidence

- Phase One: Don't stop the vehicle yet; keep following and observing it longer
- Phase Two: Don't get the driver out of the car yet; keep talking to and observing the driver longer
- Phase Three: Don't arrest the driver yet; administer another field sobriety test before deciding




DWI Detection and Standardized Field Sobriety Testing 4-8

Each of the major decisions can have any one of three different outcomes:

- Yes - Do it Now
- Wait - Look for Additional Evidence
- No - Don't Do It

Consider the following examples.

Yes - Do It Now

Phase One: Yes, there are reasonable grounds to stop the vehicle.

Phase Two: Yes, there is enough reason to suspect impairment to justify getting the driver out of the vehicle for further investigation.

Phase Three: Yes, there is probable cause to arrest the driver for DWI right now.

Wait - Look for Additional Evidence

Phase One: Don't stop the vehicle yet; keep following and observing it a bit longer.

Phase Two: Don't get the driver out of the car yet; keep talking to and observing the driver a bit longer. (This option may be limited if the officer's personal safety is at risk.)

Phase Three: Don't arrest the driver yet; administer another field sobriety test before deciding.

Session 4 - Overview of Detection, Note Taking, and Testimony

DWI Detection – Phase One

- What is the vehicle doing?
- Do I have grounds to stop the vehicle?
- How does the driver respond to my signal to stop?
- How does the driver handle the vehicle during the stopping sequence?




DWI Detection and Standardized Field Sobriety Testing 4-11

Session 4 - Overview of Detection, Note Taking, and Testimony

DWI Detection – Phase Two

- Vehicle approach: What do I see?
- Talking with driver: What do I hear, see and smell?
- How does the driver respond to questions?
- Should I instruct the driver to exit vehicle?
- How does the driver exit?
- When the driver walks toward the side of the road, what do I see?




DWI Detection and Standardized Field Sobriety Testing 4-12

DWI Detection – Phase One

Answers to questions like these can aid you in DWI detection.

Phase One:

- What is the vehicle doing?
- Do I have grounds to stop the vehicle?
- How does the driver respond to my signal to stop?
- How does the driver handle the vehicle during the stopping sequence?

Phase Two:

- When I approach the vehicle, what do I see?
- When I talk with the driver, what do I hear, see and smell?
- How does the driver respond to my questions?
- Should I instruct the driver to exit the vehicle?
- How does the driver exit?
- When the driver walks toward the side of the road, what do I see?

Session 4 - Overview of Detection, Note Taking, and Testimony

Note Taking and Testimony

- Graphically describe your observations
- Convey evidence clearly and convincingly
- Field notes are only as good as the information they contain




DWI Detection and Standardized Field Sobriety Testing 4-15

Session 4 - Overview of Detection, Note Taking, and Testimony

Use Clear Convincing Language

What is Vague Versus Clear?




DWI Detection and Standardized Field Sobriety Testing 4-16

Note Taking and Testimony

A basic skill needed for DWI enforcement is the ability to graphically describe your observations. Just as detection is the process of collecting evidence, description largely is the process of conveying or articulating evidence.

Successful description demands the ability to convey evidence clearly and convincingly. Your challenge is to communicate evidence to people who weren't there to see, hear and smell the evidence themselves. Your tools are the words that make up your written report and verbal testimony. You must communicate with the supervisor, the prosecutor, the judge, the jury and even with the defense attorney. You are trying to "paint a word picture" for those people, to develop a sharp mental image that allows them to "see" what you saw; "hear" what you heard; and "smell" what you smelled.

Officers with the knowledge, skills and motivation to select the most appropriate words for both written reports and courtroom testimony will communicate clearly and convincingly, making them more successful in DWI prosecution.

Use Clear and Convincing Language

Field notes are only as good as the information they contain. Reports must be clearly written and events accurately described if the reports are to have evidentiary value. One persistent problem with DWI incident reports is the use of vague language to describe conditions, events and statements. When vague language is used, reports provide an inaccurate picture of what happened. Clear and complete field notes help in preparation for your testimony.

Session 4 - Overview of Detection, Note Taking, and Testimony

Vague	Clear
<ul style="list-style-type: none"> Made an illegal left turn on Jefferson Drove erratically Driver appeared drunk, shaking 	<ul style="list-style-type: none"> From Main, turned left (north bound) on Jefferson, which is one way south bound Weaving from side to side. Crossed center line twice and drove on shoulder three times Driver's eyes bloodshot; gaze fixed; Strong odor of alcoholic beverage on driver's breath

DWI Detection and Standardized Field Sobriety Testing 4-17

Session 4 - Overview of Detection, Note Taking, and Testimony

Vague	Clear
<ul style="list-style-type: none"> Vehicle stopped in unusual fashion Vehicle crossed the center line 	<ul style="list-style-type: none"> Vehicle struck, climbed curb; stopped on sidewalk Vehicle drifted completely into the opposing traffic lane

DWI Detection and Standardized Field Sobriety Testing 4-18

Consider the following examples. Vague Language and Clear Language

- Made an illegal left turn on Jefferson
- From Main, turned left (north bound) on Jefferson, which is one way south bound
- Drove erratically
- Weaving from side to side. Crossed center line twice and drove on shoulder three times
- Driver appeared drunk, shaking
- Driver's eyes bloodshot; gaze fixed; Strong odor of alcoholic beverage on driver's breath
- Vehicle stopped in unusual fashion
- Vehicle struck, climbed curb; stopped on sidewalk
- Vehicle crossed the center line
- Vehicle drifted completely into the opposing traffic lane

Chronology of Testimony

- **Phase One: Vehicle in Motion**
 - ✓ Initial observations of vehicle
 - ✓ Observations during stopping sequence
- **Phase Two: Personal Contact**
 - ✓ Face to face observations
 - ✓ Statements
- **Phase Three Pre-arrest screening**
 - ✓ SFST's
 - ✓ PBT



Chronology of Testimony

In court, your testimony should be organized chronologically and should cover each phase of the DWI incident:

Phase One: Vehicle in Motion – initial observation of vehicle, the driver or both including what first attracted your attention to the vehicle/driver and details about the driving before you initiated the traffic stop

Reinforcing cues, maneuvers or actions, observed after signaling the driver to stop, but before driver's vehicle came to a complete stop.

A “cue” is defined as a reminder or prompting as a signal to do something.

Phase Two: Personal Contact – face to face observations including personal appearance, statements and other evidence obtained during your initial contact with driver.

A “clue” is defined as something that leads to the solution of a problem.

Phase Three: Pre-arrest Screening – sobriety tests administered to the driver and the results of any preliminary breath tests.

Session 4 - Overview of Detection, Note Taking, and Testimony

Test Your Knowledge

DWI detection is defined as _____
 The three phases in a typical DWI contact are:

- Phase One _____
- Phase Two _____
- Phase Three _____

In Phase One, the officer usually has an opportunity to _____




DWI Detection and Standardized Field Sobriety Testing 4-30

Session 4 - Overview of Detection, Note Taking, and Testimony

Test Your Knowledge

Phase Three may not occur if _____
 In Phase Two, the officer must decide _____

Each major decision can have any one of _____ different outcomes.
 These are _____.




DWI Detection and Standardized Field Sobriety Testing 4-31

TEST YOUR KNOWLEDGE

INSTRUCTIONS: Complete the following sentences.

1. DWI detection is defined as _____

2. The three phases in a typical DWI contact are:

Phase One _____

Phase Two _____

Phase Three _____

3. In Phase One, the officer usually has an opportunity to _____

4. Phase Three may not occur if _____

5. In Phase Two, the officer must decide _____

6. Each major decision can have any one of 3 different outcomes. These are: _____

Session 4 - Overview of Detection, Note Taking, and Testimony

Test Your Knowledge

At each phase of detection, the officer must determine _____

Evidence of DWI is largely _____ in nature

Law enforcement officers need a system and tools for recording field notes at scenes of DWI investigations because DWI evidence is _____.




DWI Detection and Standardized Field Sobriety Testing 4-32

Session 4 - Overview of Detection, Note Taking, and Testimony

Test Your Knowledge

Testimony preparations begins _____

List two things the officer should do to prepare testimony just before the trial.

A. _____

B. _____




DWI Detection and Standardized Field Sobriety Testing 4-33

7. At each phase of detection, the officer must determine _____

8. Evidence of DWI is largely _____ in nature.

9. Law enforcement officers need a system and tools for recording field notes at scenes of DWI investigations because DWI evidence is _____.

10. Testimony preparations begins _____

11. List two of the following the officer should do to prepare testimony just before the trial.

Participant Manual

DWI Detection and Standardized Field Sobriety Testing (SFST)

Session 5 – Phase One: Vehicle in Motion

1 Hour 30 Minutes

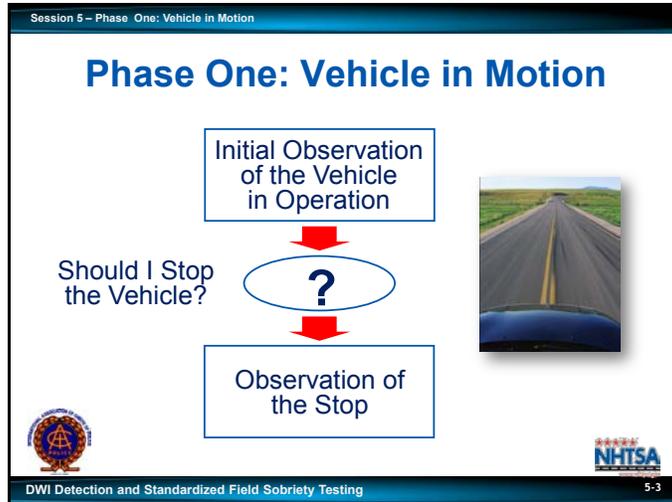
Session 5

Phase One: Vehicle in Motion



DWI Detection and Standardized Field Sobriety Testing

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A. Overview: Tasks and Decision

Your first task in Phase One: Vehicle in Motion is to observe the vehicle in operation to note any initial cues of a possible DWI violation. At this point you must decide whether there is reasonable suspicion to stop the vehicle, either to conduct further investigation to determine if the driver may be impaired, or for another traffic violation. You are not committed to arresting the driver for DWI based on this initial observation, but rather should concentrate on gathering all relevant evidence that may suggest impairment. Your second task during phase one is to observe the manner in which the driver responds to your signal to stop, and to note any additional evidence of a DWI violation.

The first task, observing the vehicle in motion, begins when you first notice the vehicle, driver or both. Your attention may be drawn to the vehicle by such things as:

- A moving traffic violation
- An equipment violation
- An expired registration or inspection sticker
- Unusual driving actions, such as weaving within a lane or moving at a slower than normal speed
- Evidence of drinking or drugs in vehicle

If this initial observation discloses vehicle maneuvers or human behaviors that may be associated with impairment, you may develop an initial suspicion of DWI.

Based upon this initial observation of the vehicle in motion, you must decide whether there is reasonable suspicion to stop the vehicle. At this point you have three choices:

- Stop the vehicle.
- Continue to observe the vehicle.
- Disregard the vehicle.

Session 5 – Phase One: Vehicle in Motion

Motorcycle DUI Detection Guide

Excellent Cues (50% or Greater Probability)

- Drifting during turn or curve
- Trouble with dismount
- Trouble with balance at a stop
- Turning problems
- Inattentive to surroundings
- Inappropriate or unusual behavior
- Weaving




DWI Detection and Standardized Field Sobriety Testing 5-13

Session 5 – Phase One: Vehicle in Motion

Motorcycle DUI Detection Guide

Good cues (30 to 50% probability)

- Erratic movements while going straight
- Operating without lights at night
- Recklessness
- Following too closely
- Running stop light or sign
- Evasion
- Traveling wrong way




DWI Detection and Standardized Field Sobriety Testing 5-14

Research has identified driving impairment cues for motorcyclists.

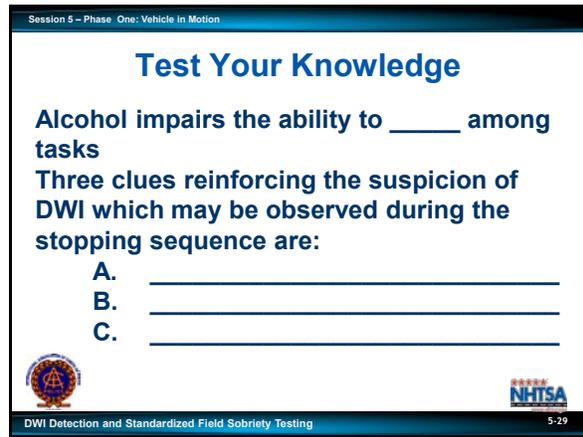
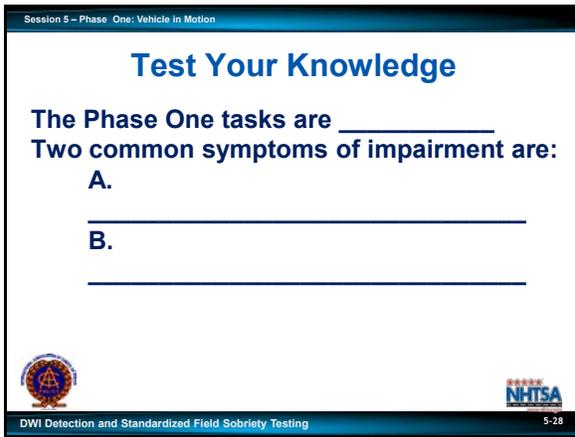
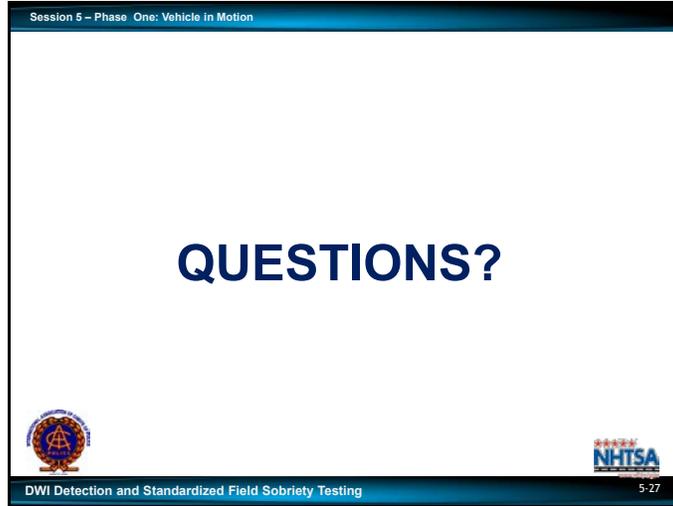
(ANACAPA Sciences, DOT HS 807 839, 1993.)

Excellent cues (50% or greater probability).

- Drifting during turn or curve
- Trouble with dismount
- Trouble with balance at a stop
- Turning problems (e.g., unsteady, sudden corrections, late braking, improper lean angle)
- Inattentive to surroundings
- Inappropriate or unusual behavior (e.g., carrying or dropping object, urinating at roadside, disorderly conduct, etc.)
- Weaving

Good Cues (30 to 50% probability)

- Erratic movements while going straight
- Operating without lights at night
- Recklessness
- Following too closely
- Running stop light or sign
- Evasion
- Traveling wrong way



TEST YOUR KNOWLEDGE

INSTRUCTIONS: Complete the following sentences.

1. The Phase One tasks are _____

2. Two common symptoms of impairment are:

3. Alcohol impairs the ability to _____ among tasks.

4. Three clues reinforcing the suspicion of DWI which may be observed during the stopping sequence are:

Participant Manual

DWI Detection and Standardized Field Sobriety Testing (SFST)

Session 6-Phase Two: Personal Contact

1 Hour 30 Minutes

Session 6

Phase Two: Personal Contact



DWI Detection and Standardized Field Sobriety Testing

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Session 6-Phase Two: Personal Contact

Learning Objectives

- Identify typical clues of Detection Phase Two
- Describe observed clues clearly and convincingly




DWI Detection and Standardized Field Sobriety Testing 6-2

Upon successfully completing this session the participant will be able to:

- Identify typical clues of Detection Phase Two.
- Describe the observed clues clearly and convincingly.

<u>CONTENT SEGMENTS</u>	<u>LEARNING ACTIVITIES</u>
A. Overview: Tasks and Decision.....	Instructor-Led Presentations
B. Typical Investigation Clues of the Driver Interview	Video Presentation
C. Recognition and Description of Investigation Clues	Instructor-Led Demonstrations
D. Interview/Questioning Techniques	Participant Presentations
E. Recognition and Description of Clues Associated with the Exit Sequence	

Session 6-Phase Two: Personal Contact

Phase Two: Personal Contact

**Interview and
Observation
of the Driver**

↓

?

↓

**Observation of
the Exit**



**Should
Driver
Exit?**



DWI Detection and Standardized Field Sobriety Testing 6-3

A. Overview Tasks and Decisions

DWI Detection Phase Two: Personal Contact, like Phases One and Three, comprise two major evidence gathering tasks and one major decision. Your first task is to approach, observe, and interview the driver while they are still in the vehicle to Note any face to face evidence of impairment. During this face to face contact you may administer some simple pre-exit sobriety tests to gain additional information to evaluate whether or not the driver is impaired. After this evaluation, you must decide whether to request the driver to exit the vehicle for further field sobriety testing. In some jurisdictions, departmental policy may dictate that all drivers stopped on suspicion of DWI be instructed to exit. It is important to Note that by instructing the driver to exit the vehicle, you are not committed to an arrest; this is simply another step in the DWI detection process. Once you have requested the driver to exit the vehicle, your second task is to observe the manner in which the driver exits and to Note any additional evidence of impairment.

You may initiate Phase Two without Phase One. This may occur, for example, at a checkpoint, or when you have responded to the scene of a crash.

Task One

The first task of Phase Two, interview and observation of the driver, begins as soon as the driver vehicle and the patrol vehicle have come to complete stops. It continues through your approach to the driver vehicle and involves all conversation between you and the driver prior to the driver's exit from the vehicle.

You may have developed a strong suspicion that the driver is impaired prior to the face to face observation and interview. You may have developed this suspicion by observing something unusual while the vehicle was in motion, or during the stopping sequence. You may have developed no suspicion of DWI prior to the face to face contact. The vehicle operation and the stop may have been normal; you may have seen no actions suggesting DWI.

What Do You Hear?

- Slurred speech?
- Admission of drinking?
- Inconsistent responses?
- Unusual statements?
- Abusive language?
- Anything else?



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- Admission of drinking?
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- Anything else?

