

One Hour and Thirty Minutes

SESSION VI

PHASE TWO: PERSONAL CONTACT

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

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

CONTENT SEGMENTS

LEARNING ACTIVITIES

- | | |
|---|---------------------------------|
| A. Overview: Tasks and Decision | o Instructor-Led Presentations |
| B. Typical Investigation Clues of the Driver Interview | o Video Presentation |
| C. Recognition and Description of Investigation Clues | o Instructor-Led Demonstrations |
| D. Interview/Questions Techniques | o Participant's Presentations |
| E. Recognition and Description of Clues Associated With the Exit Sequence | |



Display VI-O (Session Objectives)



90 Minutes



5 Minutes



Display
VI-1

VI PHASE TWO: PERSONAL CONTACT

A. Overview: Tasks and Decision

1. DWI Detection Phase Two, Personal Contact, consists of:
 - o The face-to-face observation and interview of the driver while still in the vehicle.
 - o The decision to instruct the driver to exit the vehicle.
 - o The observation of the driver's exit from the vehicle.
 - a. The interview/observation of the driver begins as soon as the suspect vehicle and patrol vehicle have come to complete stops, continues through the officer's approach to the suspect vehicle, and involves all conversation between the officer and the suspect prior to the suspect's exit from the vehicle.
 - b. Prior to any face-to-face observation and the interview of the driver, the officer may already have developed a suspicion that the driver is impaired, based on the observations of the vehicle operation and of the stop.

Point out block No. 1 on the slide.

Aids

Lesson Plan

Instructor Notes

c. Alternatively, the vehicle operation and the stop may have been fairly normal, and the officer may have no particular suspicion of DWI prior to the face-to-face contact.

d. Regardless of what evidence may have come to light during Detection Phase One, the initial face-to-face contact between the officer and the suspect usually provides the first definite indications that alcohol impairment may be present.

2. Based upon the interview and face-to-face observation of the driver, and upon the previous observations of the vehicle in motion, the officer must decide whether to instruct the suspect to exit the vehicle.



Ask participants to suggest situations where this might be the case.

Examples:

- o Stop for tail light violation, with no moving violation.
- o Stop for speeding, with no erratic/unusual operation.

Point out the decision on the slide.



Ask participants to suggest circumstances under which it would be appropriate not to instruct the suspect to exit.

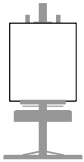


Ask participants to suggest circumstances under which it would be appropriate to instruct the suspect to exit.

Remind participants that they must always practice appropriate officer safety tactics while the suspect exits the vehicle.



15 Minutes



Display
VI-2

3. Once the decision to instruct the suspect to exit has been made, the officer must closely observe the suspect's actions during the exit and walk from the vehicle, and note any additional evidence of impairment.

B. Typical Investigation Clues of the Driver Interview

1. The interview and face-to-face observation of the driver allow the officer to use three senses to gather evidence of alcohol and/or other drug influence.

a. Sense of sight

b. Sense of hearing

Point out block No. 2 on the slide.

Write "see -- hear -- smell" on dry-erase board.



Ask participants to suggest typical things that an officer might see during the interview that would be describable clues or evidence of alcohol and/or other drug influence.

After most major sight clues have been suggested, display them via slide VI-2.



Ask participants to suggest typical things that an officer might hear during the interview that would be describable clues or evidence of alcohol and/or other drug influence.

Aids

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Display
VI-3

- c. Sense of smell

After most major sound clues have been suggested, display them via slide VI-3.



Ask participants to suggest typical things that an officer might smell during the interview that would be describable clues or evidence of alcohol or drug ingestion. NOTE: For officer safety be aware of communicable airborne diseases, etc.



Display
VI-4

- 2. Proper face-to-face observation and interview of the suspect demands two distinct but related abilities of the officer:

After most major odor clues have been suggested, display them via slide VI-4.



Display
VI-5


- a. Recognize the sensory evidence of alcohol and/or other drug influence.
- b. Describe that evidence clearly and convincingly.

C. Recognition and Description of Investigation Clues



15 Minutes

- 1. Procedures for practicing clue recognition and description.
 - a. The next video segment deals strictly with the face-to-face observation and interview of a driver.

Aids	Lesson Plan	Instructor Notes
	<ul style="list-style-type: none"> b. You will have to base your description of the driver's possible impairment strictly on what you see and hear during the face-to-face contact. c. Both senses provide some critically important evidence, not only in this video segment, but in all face-to-face contacts. d. When the video segment ends, a few minutes will be given to allow participants to gather thoughts and compile notes on what was seen and heard. e. One or more participants will be called upon to "testify" concerning what was seen and heard. f. Class will constructively critique the "testimony". <p>2. Video Segment No. 6 ("The Busy Businessman")</p> <p>3. Testimony on Video Segment No. 6.</p> <ul style="list-style-type: none"> a. Key points to be elicited concerning what was <u>seen</u>: <ul style="list-style-type: none"> o Weather/traffic conditions. o Officer raps on driver's window to signal driver to open window. 	<p>Point out that this next video segment is a continuation of the last segment shown.</p> <p>Standard note-taking guide to be used to compile notes.</p> <p>Make sure all participants understand the procedures.</p> <p>Show video segment #6.</p> <p>Allow three-four minutes for the participants to compile notes.</p> <p>Select <u>two</u> participants to come forward together to testify.</p>

Aids	Lesson Plan	Instructor Notes
<div data-bbox="232 1192 302 1262" data-label="Image"> </div> <p data-bbox="191 1283 337 1314">5 Minutes</p> <div data-bbox="203 1381 365 1465" data-label="Image"> </div> <p data-bbox="191 1528 305 1598">Display VI-6</p>	<ul style="list-style-type: none"> o Suspect lowers rear window first, then opens front window part way. o Suspect's appearance is dazed, stuporous. <p>b. Key points to be elicited concerning what was <u>heard</u>:</p> <ul style="list-style-type: none"> o Speech is thick, slurred. o Suspect asks “if this is going to take long.” o Suspect indicated he gave driver’s license to officer. o Suspect states “what stop sign” rather than red light. <p>D. Interview/Questioning Techniques</p> <ol style="list-style-type: none"> 1. The questions an officer asks of a suspect, and the way in which they are asked, can provide simple, divided attention tasks. 2. Sample Divided Attention Question: ask suspect to produce their driver's license and vehicle registration. 3. Things to watch for in the suspect's response to your instruction to produce driver's license and vehicle registration: 	<p>Instruct participants to testify strictly to what was <u>seen</u>.</p> <p>Solicit class comments concerning details or possible improvements to the first student's testimony.</p> <p>Instruct the second student to testify strictly to what was heard.</p> <p>Solicit class comments concerning details or possible improvements to the second student's testimony.</p> <p>Play back tape recording (as appropriate) to compare with second student's testimony.</p> <p>? Ask representative participants to suggest possible evidence of impairment that might come to light during the production of the license and registration.</p>

Aids	Lesson Plan	Instructor Notes
	<ul style="list-style-type: none"> a. Forgets to produce both documents (divided attention). b. Produces inappropriate, or other documents. c. Passes over the license and/or registration while searching through the wallet. d. Fumbles or drops wallet, license or registration. e. Unable to retrieve documents, using fingertips. <p>4. Variation on the request for license and registration: the interrupting or distracting question.</p> <p>5. The interrupting or distracting question forces the suspect to divide attention between the license/registration search and the new question.</p> <p>6. Things to watch for in suspect's response to the interrupting or distracting question:</p> <ul style="list-style-type: none"> a. Suspect ignores question, because suspect is concentrating on the license/registration search. b. Suspect forgets to resume search for license and registration after answering the question. c. Suspect supplies incorrect answer to the question. 	<p><u>Example:</u> "Without looking at your watch, what time it is right now?"</p> <p>? Ask class to suggest possible evidence of impairment that might be disclosed by the interrupting or distracting question. Continue to probe until all major possibilities have been mentioned.</p> <p>? Ask class to suggest other interrupting/distracting questions that might be put to a suspect during the retrieval of the driver's license.</p>

Aids

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7. After obtaining the license and registration: verifying information through unusual questions.

Examples: While holding the suspect's driver's license, ask: "What is your middle name?"



Ask class to suggest other unusual questions that might serve as simple, pre-exit techniques.

8. There are probably dozens of questions which the suspect should be able to answer very easily, but which might be very difficult to handle while impaired, simply because they are unusual.

9. Unusual questions require the suspect to process information; this can be especially difficult to do when the suspect doesn't expect to have to process information.

Examples: suspect may respond to the question about the middle name by giving first name.

In each case, suspect ignores the unusual question and instead answers an unspoken usual question.



Ask class to suggest other unusual questions that might be put to the suspect.

10. Sample tests that can be administered while the suspect is still inside the vehicle.

Point out that these kinds of tests have not been scientifically validated but still can be useful for obtaining evidence of impairment.

Demonstrate the examples listed below.

a. Alphabet recital.

Recite the alphabet, beginning with the letter E as in Edward, and stopping after the letter P as in Paul.



15 Minutes

- b. Count-down tests.
- c. Finger Count Test.

Count out loud backwards, starting with the number 67 and ending at the number 54.

Touch the tip of right thumb, in turn, to tips of the fingers of the right hand, simultaneously counting "one, two, three, four"; then reverse direction on fingers, simultaneously counting down "four, three, two, one".

NOTE: Be aware of any court restraints regarding these type of tests.

E. Recognition and Description of Clues Associated With the Exit Sequence

- 1. The decision to instruct the suspect to exit the vehicle may be based on suspicion that the suspect may be impaired.
 - a. Even though that suspicion may be strong, the suspect usually is not yet under arrest at this point.
 - b. How the suspect exits the vehicle, and the actions and behavior of the suspect during the exit sequence, may provide important additional evidence of alcohol and/or other drug influence.
- 2. Usual kinds of evidence obtained during observation of the exit sequence.



Ask participants to suggest typical things that might be seen with an impaired suspect during the exit sequence.

Aids

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- 3. Video Segment No. 7 ("The Busy Businessman Exiting")
- 4. Testimony on Video Segment No. 7
 - a. Key points prior to the exit:
 - o Admits drinking ("A couple").
 - o Officer detects odor of alcoholic beverage.
 - b. Key points during the exit:
 - o Suspect forgets to unfasten seat belt.
 - o Puts hand on door and roof to lift himself out of the car.
 - o Falls back against side of car upon exiting.
 - c. Key points after the exit:
 - o Stops to straighten clothes.
 - o Keeps hand on car while walking.

Show Video Segment #7.

Select a student to testify.

Solicit class comments concerning testimony.

After most major exit clues have been suggested, display them via slide VI-7.



Display
VI-7

TEST YOUR KNOWLEDGE

INSTRUCTIONS: Complete the following sentences.

1. The two major evidence gathering tasks of Phase Two are _____

2. The major decision of Phase Two is _____

3. Among the describable clues an officer might see during the Phase Two interview are these three:
 - a.
 - b.
 - c.
4. Among the describable clues an officer might hear during the interview are these three:
 - a.
 - b.
 - c.
5. Among the describable clues an officer might smell during the interview are these two:
 - a.
 - b.

6. Three techniques an officer might use in asking questions constitute simple divided attention tasks. These techniques are:

a.

b.

c.

7. The Count Down Technique requires the subject to _____

8. Leaning against the vehicle is a clue to DWI which may be observed during
