

One Hour and Thirty Minutes

SESSION V

PHASE ONE: VEHICLE IN MOTION

## SESSION V

### PHASE ONE: VEHICLE IN MOTION

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

- o Identify typical cues of Detection Phase One.
- o Describe the observed cues clearly and convincingly.

#### CONTENT SEGMENTS

#### LEARNING ACTIVITIES

A. Overview: Tasks and Decision	o Instructor-Led Presentations
B. Initial Observations: Visual Cues of Impaired Operation (Automobiles)	o Video Presentation
C. Initial Observations: Visual Cues of Impaired Operation (Motorcycles)	o Video Presentation
D. Recognition and Description of Initial Cues	o Instructor-Led Demonstrations
E. Typical Reinforcing Cues of the Stopping Sequence	o Participants' Presentations
F. Recognition and Description of Initial and Reinforcing Cues	



Display V-O (Session Objectives)



90 Minutes



5 Minutes



Display V-1

**V PHASE ONE: VEHICLE IN MOTION**

**A. Overview: Tasks and Decision**

1. DWI Detection Phase One, Vehicle in Motion, consists of the initial observation of vehicular operation, the stop decision and the observation of the stop.
  - a. The initial observation of vehicular operation begins when the officer first notices the vehicle and/or the driver.
  - b. If the initial observation discloses vehicle maneuvers or human behaviors that may be associated with alcohol influence, the officer may develop an initial suspicion of DWI.
  
2. Based upon initial observation of the vehicle operation, the officer must decide whether there is reasonable suspicion to stop the vehicle.
  - a. Alternatives to stopping the vehicle include:

Point out block No. 1 on the slide.

**?** Pose this question: "What are some of the kinds of things that might first draw your attention to a vehicle?"

- Examples:
- o moving traffic violation
  - o equipment violation
  - o registration sticker (expired)
  - o other driving actions
    - drifting within lane
    - slower than normal speed
  - o drinking in vehicle

Point out the decision on the slide.

**Aids**

**Lesson Plan**

**Instructor Notes**

	<ul style="list-style-type: none"><li>o delaying the stop/no stop decision, in order to continue observing the vehicle.</li><li>o disregarding the vehicle.</li><li>b. Whenever there is a valid reason to stop a vehicle, the officer should be alert to the possibility that the driver may be impaired by alcohol and/or other drugs.</li><li>3. Once the stop command has been communicated to the suspect driver, the officer must closely observe the driver's actions and vehicle maneuvers during the stopping sequence.<ul style="list-style-type: none"><li>a. Sometimes, significant evidence of alcohol influence comes to light during the stopping sequence.</li><li>b. In some cases, the stopping sequence might produce the first suspicion of DWI.</li><li>c. Drivers impaired by alcohol and/or other drugs may respond in unexpected and dangerous ways to the stop command.</li></ul></li></ul>	<p> Ask class to suggest circumstances under which it would be appropriate to delay the stop decision to continue to observe the vehicle.</p> <p>Emphasize that the officer may not have an explicit reason to suspect impairment at this time.</p> <p>Point out block No. 2 on the slide.</p> <p>Emphasize officer's need to be alert for own safety.</p>
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40 Minutes



Display V-2

**B. Initial Observations: Visual Cues of Impaired Vehicle Operation**

1. Drivers who are impaired by alcohol and/or other drugs exhibit common effects or signs of impairment.
  - a. Slowed reactions.
  - b. Increased risk taking (impaired judgment).
  - c. Impaired vision.
  - d. Poor coordination.
  
2. These common effects of alcohol on the driver's mental and physical faculties lead to predictable driving violations and vehicle operating characteristics.

The following video segments were produced to show a variety of traffic stop situations being performed by different law enforcement agencies. The goal of this video is to depict the cues associated with impaired driving. Trainees should be guided by their own agency's policy regarding traffic stops, officer safety tactics, and professional conduct.

NOTE: The national Drug Recognition Expert (DRE) program has increased awareness of the DWI-drug problem.



Use the following types of questions to involve the participants in a discussion of driving violations/characteristics associated with alcohol influence (all vehicles):

- o What violations may result from slowed reactions?
- o What violations might result from impaired judgment?
- o What violations might result from impaired vision?
- o What violations might result from poor coordination?



**Display V-3**

3. The National Highway Traffic Safety Administration sponsored research to identify the most common and reliable initial indicators of DWI.
  - a. Research identified 100 cues, each providing a high probability indication that the driver is under the influence.
  - b. The list was reduced to 24 cues during three field studies involving hundreds of officers and more than 12,000 enforcement stops.
  - c. The driving behaviors are presented in four categories:
    - (1) Problems in maintaining proper lane position. [P=.50-.75]
    - (2) Speed and braking problems. [P=.45-.70]

ANACAPA Sciences, DOT HS 808 654, 1997.

The cues presented in these categories predict a driver is DWI at least 35 percent of the time.

Generally, the probability of DWI increases substantially when a driver exhibits more than one of the cues.

Note: There is a brochure published by NHTSA that contains these cues. The title is "The Visual Detection of DWI Motorists" DOT HS 808 677.

Weaving  
 Weaving across lane lines  
 Straddling a lane line  
 Swerving  
 Turning with a wide radius  
 Drifting  
 Almost striking a vehicle or other object

Stopping problems (too far, too short, or too jerky)  
 Accelerating or decelerating for no apparent reason  
 Varying speed  
 Slow speed (10+ mph under limit)

Aids	Lesson Plan	Instructor Notes
	<p>(3) Vigilance problems. [P=.55-.65]</p> <p>(4) Judgement problems. [P=.35-.90]</p> <p>d. The research also identified 10 post stop cues. [P &gt; .85]</p>	<p>Driving in opposing lanes or wrong way on one way Slow response to traffic signals Slow or failure to respond to officer's signals Stopping in lane for no apparent reason Driving without headlights at night Failure to signal or signal inconsistent with action</p> <p>Following too closely Improper or unsafe lane change Illegal or improper turn Driving on other than designated roadway Stopping inappropriately in response to officer Inappropriate or unusual behavior (throwing objects, arguing, etc.) Appearing to be impaired</p> <p>Difficulty with motor vehicle controls Difficulty exiting the vehicle Fumbling with driver license or registration Repeating questions or comments Swaying, unsteady, or balance problems Leaning on the vehicle or other object Slurred speech Slow to respond to officer/ officer must repeat Provides incorrect information, changes answers Odor of alcoholic beverage from the driver</p>



Display V-4

- e. Explanation and illustration of the 24 detection cues.

**C. Initial Observations: Visual Cues of Impaired Vehicle Operation (Motorcycles)**

- 1. Research has identified driving impairment cues for motorcyclists.

- a. Excellent Cues (50% or greater probability)
  - o Drifting during turn or curve
  - o Trouble with dismount
  - o Trouble with balance at a stop
  - o Turning problems (e.g., unsteady, sudden corrections, late braking, improper lean angle)
  - o Inattentive to surroundings
  - o Inappropriate or unusual behavior (e.g., carrying or dropping object, urinating at roadside, disorderly conduct, etc.)
  - o Weaving
- b. Good Cues (30 to 50% probability)
  - o Erratic movements while going straight

Show video. Allow 16.2 minutes.

ANACAPA Sciences, DOT HS 807 839, 1993.

**Aids**

**Lesson Plan**

**Instructor Notes**

	<ul style="list-style-type: none"><li>o Operating without lights at night</li><li>o Recklessness</li><li>o Following too closely</li><li>o Running stop light or sign</li><li>o Evasion</li><li>o Wrong way</li></ul> <p>2. Relationship of Visual Cues to impaired divided attention capability.</p> <p>a. Driving is a complex task, composed of many parts:</p> <ul style="list-style-type: none"><li>o steering</li><li>o controlling accelerator</li><li>o signaling</li><li>o controlling brake pedal</li><li>o operating clutch (if applicable)</li><li>o operating gearshift (if applicable)</li><li>o observing other traffic</li><li>o observing signal lights, stop signs, other traffic control devices</li><li>o making decisions (whether to stop, turn, speed up, slow down, etc.)</li><li>o many other things</li></ul>	<p>Point out that it is important to understand how the effects of alcohol are exhibited in driving, so that officers can recognize the significance of their visual observations.</p> <p> Ask participants to name the various parts of the driving task. List them on the chalkboard as they are named.</p>
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**Aids**

**Lesson Plan**

**Instructor Notes**



**Display V-5**

- b. In order to drive safely, a person must be able to divide attention among all of these various activities.
- c. Under the influence of alcohol or many drugs, a person's ability to divide attention becomes impaired.
- d. The impaired person tends to concentrate on certain parts of driving, and to disregard other parts.
- e. Some of the most significant evidence from all 3 phases of DWI detection can be related directly to the effects of alcohol and/or other drugs on divided attention ability.



**20 Minutes**



**Display V-6**

**D. Initial Cues, Recognition and Description**

- 1. The task of making initial observations of vehicle operation is the first step in the job of DWI detection.

Example: Person stops at a green light (scene from previous video.)

- o Alcohol has impaired ability to divide attention.
- o Driver is concentrating on steering and controlling the accelerator and brake.
- o Does not respond to the particular color of the traffic light.

Point out that the concept of divided attention is especially important during personal contact with DWI suspects and during pre-arrest screening of them.

NOTE: Show video first. Use slide for review. Allow 12 minutes.



Display V-7

2. Proper performance of that task demands two distinct but related abilities:
  - a. Ability to recognize evidence of alcohol and/or other drug influence.
  - b. Ability to describe that evidence clearly and convincingly.
3. It is not enough that a police officer observe and recognize symptoms of impaired driving. The officer must be able to articulate what was observed so that a judge or jury will have a clear mental image of exactly what took place.
4. Improving the ability to recognize and clearly describe observational evidence requires practice.
  - a. It isn't practical to have impaired drivers actually drive through the classroom.
  - b. The next best thing is to use film (video) to portray typical DWI detection contacts.
5. Procedures for practicing cue recognition and description.
  - a. All participants view brief video segments illustrating possible DWI violations.

Emphasize that observational evidence is of little value if the officer cannot make the judge or jury "see" what the officer saw.

Make sure all participants understand the procedures that will be followed during the practice sessions.

**Aids**

**Lesson Plan**

**Instructor Notes**



- b. Following the video segment, a few minutes will be given to allow all participants to write notes on what was observed.
- c. One or more participants will be called forth to "testify" concerning what was observed.
- d. Class will critique the "testimony" in terms of how clearly and convincingly it conveys what was actually observed.
- e. Goal is to choose words carefully and provide as much detail as necessary, to construct an accurate mental image of the observations.

6. Video Segment No. 1 ("Leaving the Shopping Center")

7. Testimony of Video Segment No. 1. ("Leaving the Shopping Center")

- a. Key points to be elicited:
  - o Weather/traffic conditions
  - o Overshoots stop sign
  - o Makes wide right turn

Hand out copies of the standard note-taking guide.

Emphasize that participants are to use the guide to compile notes on their observations of the film segments.

Emphasize that the purpose of the critique is not to embarrass anyone, but rather to help everyone become more skilled at providing clear, descriptive testimony.

Show Video Segment #1.

Allow two minutes for participants to compile notes.

Select a representative student to come forward and "take the witness stand," facing the class.

Elicit testimony as follows: "Officer, you have been sworn. Please tell the court exactly what you observed at the time and place in question.

Allow the participants to refer to their notes, if so desired.

**Aids**

**Lesson Plan**

**Instructor Notes**



- o Causes bicyclist to swerve

When student completes testimony ask: "Officer, do you have anything else to add?"

Once student indicates that there is nothing further to add, ask the class to comment on the clarity and completeness of the testimony, and to add any important details that were left out.

Continue to prompt the class to offer comments until all of the key points have been notes.

If so desired and appropriate, repeat the showing of Video Segment No. 1 to point out the key details.

8. Video Segment No. 2 ("The Red SUV")

Show Video Segment #2. Allow two minutes for participants to compile notes.

9. Testimony on Video Segment No. 2.

Select a representative student to come forward to "testify".

Allow student to refer to notes.

a. Key points to be elicited:

Probe for any additional details, or more descriptive language, in the testimony.

- o Weather/traffic conditions
- o Wrong directional light on
- o Sits on green arrow
- o Turns on red light
- o Cuts turn short

Solicit comments from the class.

Stress the importance of the particular words used to describe the subject vehicle's motion.



5 Minutes



Display V-8

- o Right wheels leave roadway
- o Drifts first to left then right
- o Crosses center line
- o Slow response to stop command

**E. Typical Reinforcing Cues of the Stopping Sequence**

1. After the command to stop is given, the alcohol impaired driver may exhibit additional important evidence of DWI.
2. Some of these cues are exhibited because the stop command places additional demands on the driver's ability to divide attention.
  - a. The signal to stop creates a new situation to which the driver must devote some attention.

Point out that words such as "swerving," "drifting," etc., convey a powerful and clear mental image of how the vehicle moved, while terms such as "erratic," "abnormal," etc., are essentially non-descriptive.

Point out that it is permissible and desirable for the officer to use hand movements, along with verbal testimony, to convey clearly how the vehicle moved.

If desired and appropriate, repeat the showing of video segment #2.



Ask participants to suggest possible cues that might be observed after the stop command that might reinforce the initial suspicion of DWI.

Point out here the dangers inherent with fleeing operators. If time allows, review agency's pursuit policy.

i.e., emergency flashing lights, siren, etc., demand and divert the suspect's attention.



Display V-9



20 Minutes

- b. Signal to stop requires the driver to turn the steering wheel, operate the brake pedal, activate the signal light, etc.
  - c. As soon as officer gives the stop command, the suspect's driving task becomes more complex.
  - d. If suspect is under the influence, the suspect may not be able to handle this more complex driving very well.
3. It is the officer's responsibility to capture and convey the additional evidence of impairment that may be exhibited during the stopping sequence.
- a. Requires ability to recognize evidence of alcohol and/or other drug influence.
  - b. Requires ability to describe that evidence clearly and convincingly.

**F. Initial and Reinforcing Cues Recognition and Description**

- 1. Procedures for practicing cue recognition and description.
  - a. The next two video segments combine all three elements of DWI Detection Phase One.

Emphasize that turning on the patrol vehicle's emergency lights creates a simple test of the suspect's driving impairment.

**Aids**

**Lesson Plan**

**Instructor Notes**



- b. Each segment begins with the initial observation of the vehicle in operation.
  - c. In each segment, the decision to stop the vehicle is made.
  - d. Each segment concludes with the observation of the stop.
  - e. Following each segment, a few minutes will be given to allow participants to gather thoughts and compile notes.
  - f. Participants will be called upon to "testify" concerning what was observed, both prior to and after the stop command.
  - g. Class will constructively critique the "testimony."
2. Video Segment No. 3. ("The Sliding Sports Car").
3. Testimony on Video Segment No. 3.
- a. Key points to be elicited concerning observations prior to the stop command:

Standard note-taking guide to be used to compile notes.

Make sure all participants understand the procedures.

Show Video Segment #3.

Allow two-three minutes for the participants to compile notes.

Select a representative student to come forward to "testify".

Allow participants to refer to notes.

**Aids**

**Lesson Plan**

**Instructor Notes**



- o Weather/traffic conditions/road surface
- o Vehicle skids past stop sign
- o Vehicle makes wide right turn
- o Vehicle stops abruptly
- b. Key points to be elicited concerning observations subsequent to the stop command:
  - o Subject vehicle pulls sharply onto grass (front wheels on grass) shoulder.
  - o Abruptly veers onto the shoulder (without signaling) and makes hard, quick stop.
  - o Parks at angle to roadway.

4. Video Segment No. 4. ("The Impatient Driver")

5. Testimony on Video Segment No. 4.

- a. Key points to be elicited concerning observations prior to the stop command:

Instruct participants as follows: "Officer, first tell us exactly why you signaled the driver to stop." Make sure student confines this stage of testimony strictly to what was observed prior to the stop command.

Next, instruct as follows: "Officer, now tell us exactly what you observed after you turned on the patrol vehicle's emergency lights."

Solicit class comments concerning details or possible improvements to the student's testimony.

If desired and appropriate, repeat the showing of video segment #3.

Show Video Segment #4.

Allow two-three minutes for the participants to compile notes.

Select a representative student to come forward to "testify".

Allow student to refer to notes.

**Aids**

**Lesson Plan**

**Instructor Notes**



- o Weather/traffic conditions/road surface
- o Turn signal light turns red.
- o Vehicle pulls around stopped vehicle, makes improper turn.
- o Turns through red turn light without signaling.
- b. Key points to be elicited concerning observations subsequent to stop command:
  - o Slow response to the stop command (travels approximately 500 yards before stopping).
  - o Weaving in lane and across centerline.

6. Video Segment No. 5. ("Half In The Bag")

7. Testimony on Video Segment No. 5.

- a. Key points to be elicited concerning observations prior to the stop command:
  - o Weather/traffic conditions.
  - o Fail to stop for stop sign.
  - o Cuts turn short.

Instruct student to testify first concerning everything observed prior to the stop command, and then to everything observed after the stop command.

Solicit class comments concerning details or possible improvements to the student's testimony.

If desired and appropriate, repeat the showing of video segment #4.

Show Video Segment #5.

Allow two-three minutes for the participants to compile notes.

Select a representative student to come forward to "testify".

Allow student to refer to notes.

Instruct student to testify first concerning everything observed prior to the stop command, and then to everything observed after the stop command.

**Aids**

**Lesson Plan**

**Instructor Notes**

- o Passenger throws trash at road sign.
- b. Key points to be elicited concerning observations subsequent to stop command:
  - o Slow response to the stop command.

## TEST YOUR KNOWLEDGE

INSTRUCTIONS: Complete the following sentences.

1. The Phase One tasks are \_\_\_\_\_  
\_\_\_\_\_
2. Two common symptoms of impairment are:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
3. Alcohol impairs the ability to \_\_\_\_\_ among tasks.
4. Three cues reinforcing the suspicion of DWI which may be observed during the stopping sequence are:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_