

# **DUI Silver Bullets**

by  
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## **LOGS**

If you haven't already prepared one, **START TODAY!** It doesn't have to be fancy and it only takes a few minutes to do. You can even save it and update it on your computer. A form can be found in your SFST manual.

- Note your Wet Lab experience if you have the info still available.
- Record every suspected DUI stop even if an arrest is not made. This information will be important in establishing your credibility and fairness.
- Record the BAC if one is obtained.
- If drugs are suspected note it.
- Be prepared to testify concerning the log. It will be a great resource!

## **CV(Curriculum Vitae) /Resume/ Qualifications**

Prepare a list of your training, qualifications and occupations. This helps establish your credibility and expertise.

This doesn't have to be in a particular style or format like a formal job resume.

It just needs to be functional and should be typed not hand written. (Think Professional). Include everything from High School to the present and update it as you receive new training.

Include ALL training not just DUI related.

Include military service, rank, training and experience.

Provide it to the DA for use in qualifying you at trial.

## **Window Shopping ( DUI Investigations behind the B Pillar)**

When safety and opportunity allows the LE officer should take every opportunity to question the suspect at the window of the vehicle while that suspect's cooperation level is relatively high. The investigation must take place in a very friendly, non-threatening way to be most effective. Remember Officer Friendly. With respect. Also remember the questions should be asked in a conversational context. For example: "Johnny's Bar. I know that place. Was that big guy Billy working?" Thereby allowing the suspect to correct you and provide the name of the actual bartender. Another example: "You have a shoulder problem huh? I know all about them. My brother had surgery on his. He was taking Hydrocodone or something like that. Is that what you are on? How does that work for you?" Thereby allowing the suspect to fill in the blanks and tell the truth about what

did or did not create any impairment that is present. The areas of questioning should include:

Do you know why I stopped you?

Don't be alarmed....

Was there a reason for...(whatever driving behavior you observed)?

Where are you coming from?

Who was the Bartender?

Is that guy that tends bar Tuesdays (whatever day it is choose it) working tonight? What's his name...Scott...Bobby.....(Let the suspect provide the correct name.

Perhaps begin a CONVERSATION about the bar. Asking about a particular beer. Perhaps indicate details about the size and type of drinks to allow the suspect to provide information about what and how much they had to drink.

Where are you going?

Who were you with while there?

How much have you had to drink tonight? Better asked pointedly near the end of the conversation if not answered in the conversation.

What? (beer, whiskey, mixed drinks, etc.)

What kind (light, high gravity etc.)?

How big?

How many? (Asked again for consistency and to draw out deceit).

What else?

What else...until s/he says no more.

Where did you drink?

Where else?

How did you pay for it?

Looking for credit card receipts

Looking for bar receipts?

Anything to eat?

What?

Where?

When?

What else?

Occupation?

Physical requirements of that occupation?

What?

Any injuries, illnesses or medical conditions? This can be introduced in a conversational way: "How are you feeling? I just need to make sure you don't have any physical injuries or ailments that would prevent you from safely driving."

Treating with any doctor for these conditions?

Name of Doctor?

Have you been prescribed any treatment? (Physical Therapy for example)

Are you taking any medicine for that problem

How many times a day?

“My brother Bob has that kind of (shoulder, knee, whatever) problem. He takes...oxy..something.” Let the suspect provide the drug. Ask if he has tried that sort of medicine to relieve the pain. Let him/her tell you what they are taking in this non-threatening way. Ask if it helps them.

Did you take any today? Indicate you just want to make sure the pain doesn't prevent them from driving or safely controlling the vehicle.

When and how much?

Ask to see the pill bottle?

How are you feeling right now?

Once you are finished with the conversation you can close with “On a scale of 0 to 10 with 10 being falling down, toilet hugging drunk and 0 being totally sober, where would you say you are?”

Feel free to brainstorm and add to this list as you see fit. Change the order of the questions to make it work for you. Make it routine and you will be surprised at the information you will discover. Remember. You are searching for the truth. It is a conversation NOT an interrogation. Until you find probable cause this driver may be innocent of impaired driving. But even when you make a positive PC determination the conversational tone should continue as long as officer safety allows.

### **SEARCH**

Bar Receipts indicating the number and types of beverages consumed.

Credit Card Receipts showing bars frequented and the amount of money spent. It also helps establish a timeline.

Open alcohol containers.

Vomit.

Pills and Pill Bottles

Prescription pads

Remember, when drug impaired driving is suspected a DRE if available should be called in to evaluate the driver AFTER you have completed your investigation.

Also, remember drug impaired driving cases may lead to major drug investigations

### **Law Enforcement Should Be Encouraged To Administer SFSTs In the Standard Format Following The Exact Instructions Of The Training Manual.**

This ensures the STANDARDIZED nature of the tests, reduces confusion, protects against liability, eliminates harmful defense cross-examination and ensures the successful prosecution of impaired drivers.

LE should be encouraged to refer to their SFST manuals at least once a month to review the proper SFST procedure. This should also be done prior to going to court to

testify. When possible LE should review the manual and read portions OUT LOUD. This will aid in retention and should definitely be done before trial to “warm up” for your testimony. Included in this warm up should be a review and reading out loud of the police report to ensure retention and accuracy in testimony and in the recitation of technical terms.

**Know, use and be able to discuss and explain these terms**

Psycho-physical / Divided Attention Tasks (Defining the SFSTs)

Psycho-physical / Divided Attention Tasks (Involved in driving)

Clues

Indicators

Wet Lab

Instrument

Breath or blood sample

Doses of alcohol

DUI Log

“Impaired” NOT “drunk”

“Wreck”, “collision” or “crash” NOT “accident”

NHTSA (National Highway Traffic Safety Administration)

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**While every effort is made to ensure the accuracy of the information contained in this outline it provides *general guidance and information only*, It is neither, legal advice, intended nor represented as a substitute for obtaining case-specific advice from a licensed and experienced prosecutor or other attorney in your state.**

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