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Phase II: Personal Contact
Maximizing Your Time at the Window

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Disclosures

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Acknowledgments

- NHTSA SFST and DECP training
- Clay Abbott – Texas TSRP
- Jim Camp – Dynamic Messages LLC

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Learning Objectives

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After attending this presentation...

- Thinking outside the box during your investigation
- Maximizing opportunities for what you may see
- Maximizing opportunities for what you may smell
- Maximizing opportunities for what you may hear

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Overview 



Phase II: Personal Contact
Maximizing Your Time at the Window


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DWI Detection Phases 



- Vehicle In Motion
- Personal Contact
- Pre-Arrest Screening

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Personal Contact 



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graph LR; A[Interview and Observation of the Driver] --> B[Should Driver Exit?]; B --> C[Observation of the Exit]
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Personal Contact

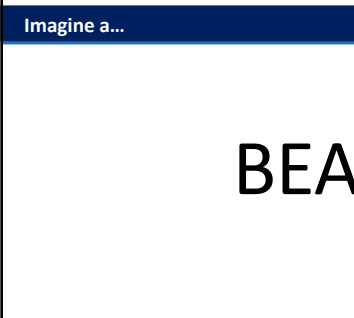


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- Phases I and III focus on the driver
- Phase II focuses on the officer

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Imagine a...



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BEAR

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- Maximize your time in Phase II
- Don't take anything in this Phase for granted
- Be a good investigator!

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- The vehicle.
- The violation.
- The person.

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Snowball



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Jury will likely have an opinion of impairment before you get to Phase III

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Expanding the scope of the stop?

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Personal Contact: Sight



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Some things you may see as evidence of influence?

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Personal Contact: Sight



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- Pupil size
- Perspiring
- Rigid muscles
- Bruxism
- Dry (cotton) mouth
- Talkative
- Piloerection

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Personal Contact: Sight



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- Blank stare
- "On the nod"
- Residue of substance
- Track marks
- Paranoia
- Agitation
- Facial itching

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Personal Contact: Smell




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What might you smell?

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Personal Contact: Smell




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- Alcoholic beverage
- Chemical odor
- Burnt marijuana
- Fresh marijuana
- Paint thinner, Gas, etc.
- Ether
- Ammonia ("cat pee")

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Personal Contact: Smell




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- Play to your camera, "I can smell....."
- Jury cannot hear or see things that you are doing

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Personal Contact: Smell



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- Odor of alcoholic beverage results in a DWI investigation
- Odor of burnt marijuana usually does not result in a DWI investigation

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Personal Contact: Smell



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- Cannabis smoking diminishes production of saliva
- A shot and a beer is now a joint and a beer

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Personal Contact: Smell



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Personal Contact: Hear




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What might you hear?

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Personal Contact: Hear

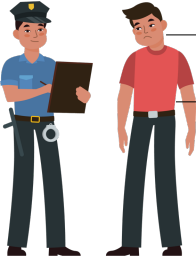


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- Listening is key to effective communication.

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7% spoken word
38% tone of voice
55% body language

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Alcoholic beverage

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Personal Contact 



- Use specific examples of speech issues
 - "Slurred speech" is too general - Use examples
 - "Some of their speech was slurred"
 - "They had difficulty with their S and Fs"
- The jury will pay more attention to specific examples


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Personal Contact 



- Burnt marijuana
- Fresh marijuana
- Chemical odor
- Paint thinner
- Ether

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Personal Contact 



- What do you do for a living?

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Personal Contact



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- Medical questions
- Get details
 - I'm Diabetic A or B?
 - Who is your Doctor?
 - If they are not treating, it may not be relevant
 - If they are treating, their medication may be at issue (additive, antagonistic, overlapping)

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- Take any medications?
- Use any street drugs?

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Establish a timeline



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- Don't stop with one answer
- Keep them talking
- Don't keep them from confessing
 - On a scale of 1 to 10.....
- Don't leave an excuse that you didn't explore


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Personal Contact 



- Change the order and type of questions you ask
 - Drivers know what and how you will ask
 - Make the flow work for you
 - It may change from stop to stop

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Personal Contact 



- What if they are non-responsive?
- What if they refuse SFSTs?

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- SLOW DOWN
- They are on YOUR time

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- Look closer
- Many things are not what they appear

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Pause your lesson here and view the "Passing Exercise" in links below before resuming.

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Cognitive Bias



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We only see what we are expecting to see
We detect the odor of an alcoholic beverage,
but we missed the constricted pupils

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Additional Techniques



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Additional Techniques



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- Question passengers
- They are witnesses!

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- Recognize the sensory evidence of influence
 - alcohol and/or drug
- Describe the evidence clearly and convincingly

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Remember



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Summary



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“Alcohol is a de-evolutionary tool. You get dumber with added use.”

Clay Abbott
Texas TSRP

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