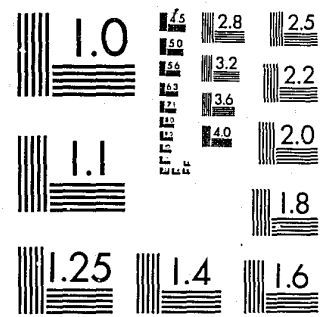


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**TRAFFIC LAW ENFORCEMENT:  
DWI**

**PART 3  
Detection of the Drinking Driver**



52082

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XXX

DETECTION OF THE DRINKING DRIVER

PRE-APPREHENSION

PART III

ABSTRACT

This self-instructional unit describes the probability of drinking drivers being stopped, types of detection methods, and definition and description of the detection task.

In addition this unit describes the nature of drinking driver clues during the apprehension process and pre-arrest investigation.

Further, this unit describes the enforcement action required based on accumulated detection clues, including assessment of evidence from identification, reinforcement and investigation clues and making enforcement decisions. An appendix of clues is included to broaden and reinforce learning in the unit.

## BEHAVIORAL OBJECTIVES

Upon completion of this self-instructional unit the student will be able to:

- Describe the nature of the detection task
- Describe the types of detection methods
- Define the detection task
- Describe useful clues in apprehending the suspected drinking driver
- Determine enforcement action from accumulated detection clues.

## NATURE AND DESCRIPTION OF THE DETECTION TASK

### Probability of Drinking Drivers Being Stopped Based on Typical Enforcement Methods

While you may feel that the chances of a police officer stopping a drinking driver are so subjective as to be incalculable, such is not the case. There are several formulas\* that are used to determine this relative probability.

Various formulas can determine the following probabilities:

- Being stopped, but not necessarily arrested
- Being arrested for DWI
- Estimating arrest probability as a function of time
- Estimating arrest probability as a function of mileage.

### Types of Detection Methods

The basic types of detection methods that officers can use in detecting drinking drivers are described below.

- Surveillance for Observing Driving Behavior. Surveillance requires the patrolling police officer to observe driving behavior that he feels may be indicative of a drinking driver. Pre-contact recognition is involved since the officer at least suspects he is encountering a

\* Your instructor can go into greater detail and provide appropriate formulas for each area if desired.

drinking driver before the face-to-face contact is made between the officer and the suspect driver. Here the officer is treating a problem based upon typical recognition factors such as crossing the center line, driving without lights, etc.

The officer may be utilizing selective enforcement techniques by patrolling locations known to have above average frequencies of drinking drivers present at certain time periods.

It is important to note that utilization of this method means that the identify of the perpetrator of the offense is clearly established since the violation is "on-view". In addition, the fact that the officer witnesses the offense assists in establishing reasonable cause. It permits the officer to believe that the driver did, in fact, commit the offense of DWI, through observation of the alleged driving behavior.

The officer utilizes common recognition factors in employing this method; that is, he observes and acts upon behavior that is either extremely hazardous or constitutes performance that is out of the ordinary. The officer is acting upon:

- Conduct that demonstrates a momentary driving error
- Conduct that exhibits the driver's abnormal mental or emotional state of mind
- The driver's unusual personal appearance and/or posture.

Stopping Drivers for Non-Moving Violations. Utilization of this method of detection means that the officer does not suspect that he is contacting a drinking driver until after face-to-face contact has been made. He may have stopped the driver for a defective taillight or license plate light, for example, subsequently finding that the driver's physical condition is subnormal due to consumption of alcoholic beverages. Thus, this method involves post-contact recognition.

After discovering the presence of alcohol impairment in this manner, the officer proceeds to "treat" the problem in much the same way that he would have if he had stopped the driver as a DWI suspect.

While the officer has established the identity of the perpetrator (the driver) since the offense is still "on-view", this method of detection has a serious drawback. Since the stop was made for a non-moving violation (too often equated with "nonhazardous"), some prosecutors and judges may be of the opinion that the "reasonable cause" requirement has not been fulfilled. They may cite the lack of gross driving error as insufficient evidence of driver error to justify arrest and prosecution for DWI.

This apparent lack of "reasonable cause" is made more difficult by the fact that such stops for non-moving violations are typically done in a

selective fashion. For example, the officer will typically stop only a few of the many vehicles that he sees that have defective vehicle lights. The fact that one of these highly selective traffic stops results in a DWI arrest, can too often be turned around to the drinking driver's benefit when prosecution is either contemplated or initiated.

The use of random stops can be highly effective as a variation of typical selective traffic enforcement schemes. That is, employing the tactics of stopping numerous drivers for equipment, license and registration checks during hours of high alcohol involvement, will typically disclose numerous DWI violations that otherwise would go undetected.

Contacting Drivers Involved in Traffic Accidents. This method certainly involves post-contact recognition of the DWI violation for it is detection "after the fact". Treatment of the problem is more difficult than in the "on-view" situation since (1) the drinking driver may appear to be less intoxicated than he actually is, due to the accident occurrence itself and (2) the legal problem presented by the "not on-view" observations by the officer present obstacles to effective "treatment" of the DWI driver.

The fact that the officer does not witness the vehicle operation poses a basic problem in identifying the perpetrator of the violation, i.e., the drinking driver. His investigation of the

traffic accident does, however, provide evidence that materially aids in establishing "reasonable cause" in that the accident itself is the result of the violation(s) that "caused" it.

The discovery of DWI violations through investigation of traffic accidents is most frequently done through the use of typical recognition factors. By "typical recognition factors" is meant that the general police officer who has had little or no training in alcohol enforcement has little or no trouble in detecting the existence of alcohol impairment because the symptoms are so obvious -- either the driving conduct is found to be extremely hazardous or the subject appears obviously intoxicated. The symptoms are so gross that the average lay person could spot them.

The second type of recognition factors consists of selective enforcement recognition factors. They may be employed by either the trained general police officer or the specialist in either alcohol enforcement or accident investigation. As a result of his accident reconstruction, this officer determines that the driving conduct was either normal or slightly abnormal, as compared to the presence of gross symptoms. This officer couples this subjective driving behavior with the accompanying subjective clues which indicate that the driver's condition is slightly abnormal -- the sum total of this driving behavior and physical condition is something that the general police officer often misses altogether.

TO CHECK YOUR PROGRESS PLEASE ANSWER THE FOLLOWING QUESTIONS.

Directions: Using your response sheet, circle the letter of the item which completes the following statements most accurately.

1. An important aspect of the surveillance method of detection is:
  - a. Estimating the probability of arrest
  - b. Pre-contact recognition of driving behavior indicative of a DWI driver
  - c. Face-to-face contact with the DWI driver
  - d. All of the above
  
2. Utilization of the surveillance method of detection means that the identity of the perpetrator of the offense is clearly established because:
  - a. The violation is "on-view"
  - b. Since the officer witnesses the offense assists in establishing reasonable cause
  - c. It permits the officer to believe that the driver did commit a DWI offense
  - d. All of the above

3. Stopping drivers for non-moving violations is not the best method of detection because:
  - a. The officer does not suspect he is contacting a drinking driver
  - b. The reasonable cause requirement might not have been fulfilled
  - c. Stops for this type of violation is done in a highly selective manner
  - d. All of the above
  
4. "Treatment" of the DWI driver identified through the detection method of contacting drivers involved in traffic accidents is difficult because:
  - a. The drinking driver may appear to be less intoxicated than he actually is, due to the accident occurrence itself
  - b. The legal problem presented by the "not-on-view" observations by the officer present obstacles to the effective "treatment" of the DWI driver
  - c. Both of the above
  - d. This method of detection poses no particular problem

TO CHECK YOUR ANSWERS TURN TO THE KEY ON PAGE XXX - 24.  
REVIEW ANY ITEMS YOU MISSED BEFORE CONTINUING.



## Definition and Description of the Detection Task

The Nature of the Detection Task. The student must recognize that the detection task is fundamental to all other alcohol enforcement tasks. It is the initial step upon which the remaining tasks hinge.

It is necessary to locate the drinking driver in order to institute enforcement action, to establish the framework for investigative activities, to lay the foundation for accumulating evidence, and to build a case for subsequent trial and conviction.

The entire alcohol countermeasures program depends on the detection of the drinking driver. Experience shows that few problem drinking drivers are identified by other agencies; the police are the primary source for the identification of potential problem drivers.

Defining the Various Phases of Detection. Traditionally, detection of drinking drivers has been defined simply as the process of observing various types of driving behavior on the part of the suspect driver. Once the suspect's vehicle has been halted, the process of detection has been considered to be complete. The driver is arrested, processed, jailed, and prosecuted with "detection" having been performed as the initial step of the overall process. This course will define "detection" in a different manner, since the process of detecting alcohol impairment is actually a much longer process than many officers believe it to be. "Detection" as described here consists of four phases.

### 1. Pre-Apprehension Detection Phase (Phase I)

This may be referred to as the identification phase. In it the officer observes either or both of the following types of clues that may be indicative of a drinking driver:

- 1) Vehicle maneuvers
- 2) Human indicators.

This phase starts at the point where the vehicle or driver (or both) attracts the officer's attention; it stops when the officer first signals the driver to stop.

### 2. Apprehension Detection Phase (Phase II)

This is a reinforcement phase that normally is very short in duration. It starts when the officer signals the driver to stop. It ends when the driver finally has stopped and the officer has exited his patrol vehicle. During this phase, detection clues are observed by the officer that may or may not reinforce his initial belief that the driver may be impaired by the consumption of alcohol. Detection clues are of two types:

- 1) Vehicle maneuvers
- 2) Human indicators.

### 3. Pre-Arrest Investigation -- Field Contact Detection Phase (Phase III)

This may be considered the investigation phase. It starts when the officer approaches the driver's vehicle on foot. It does not terminate until the cell door is locked (assuming that a DWI arrest is made). It includes face-to-face contact, questioning, roadside and stationhouse sobriety tests, chemical tests,



photographing, fingerprinting, etc. This is the phase in which the officer's initial belief that the driver might be DWI (from observation of Phase I and II clues) is either confirmed or refuted. There are four types of Phase III clues:

- 1) Physiological
- 2) Psychological
- 3) Subject's actions
- 4) Physical evidence.

4. Pre-Arrest Investigation-Traffic Accident Detection Phase (Phase IV)

This phase differs from the other phases in that the officer does not personally observe the driving behavior resulting in an accident. It is not an "on-view" situation. In the course of investigating the traffic accident, the officer discovers clues indicating either or both of the following:

- 1) Physical evidence depicting driving behavior possibly caused by alcohol impairment (e.g., driving on wrong side of road).
- 2) Human indicators of alcohol impairment (e.g., statements of witnesses).

The Process of Various Phases of Detection. During the identification phase (Phase I) the officer makes the initial observation of possible drinking drivers, precipitating the entire chain of events that follow. These observations are made while he is patrolling a selected area,

observing traffic movements, looking for erratic vehicle maneuvers, observing drivers and occupants, and looking for driver behavior clues.

Having decided to stop a suspect vehicle, the reinforcement phase (Phase II) begins. The officer assumes the proper position to stop the suspect vehicle, signalling the driver to stop. The driver then reacts by coming to a halt, attempting to elude the officer, etc. During this stopping procedure, the officer is seeking vehicle maneuver and driving behavior clues to reinforce or refute his original suspicion that the driver may be alcohol-impaired.

Phase III, the investigation phase, involves many detection opportunities because this phase can be a long one. The officer is able to observe various types of clues as he walks up to the vehicle, talks to the occupants, conducts his pre-arrest investigation, arrests the driver, advises him of his rights, administers field sobriety tests, transports the arrested driver, conducts chemical tests to determine BAC and books the person. During all of these functions, the officer must be observing clues relating to the driver's behavior and condition.

Phase IV, detection that takes place during accident investigation, is as complex as any of the other phases. There are many opportunities for detection to take place, beginning with the initial dispatch to and arrival at the scene, through all of the steps

that are taken in seeking physical and nonphysical evidence of accident causation. Of course, when alcohol appears to be a contributing factor, observation of the suspect driver(s) is especially important. Noting the driver's behavior and condition can be as important as determining the facts of the accident itself.

Useful Clues in Apprehending the Suspected Drinking Driver

(The student is referred to the Key to Success Bulletin Volume XII, No. 4, 5, 6, and 7, as a training aid, published by the Maryland State Police Training Academy.)

Article 66 1/2, Section 6-205.1 (c) states the police officer must have "reasonable grounds" to believe that the person was driving while intoxicated or impaired. The below listed clues are some suggestions which may give rise to "reasonable grounds".

- Driving too carefully
- Failure to drive in designated lanes
- Hesitation at stop signs and stop lights
- Excessive braking
- Difficulty in negotiating turns
- Windows open in winter
- Inconsistent speeds
- Hugging fog line or driving too close to curb line
- Stuporous expression
- Excessive speed and slow speeds
- Jackrabbit stops and starts

- Failure to dim headlights
- Failure to use wipers and defoggers
- Tailgating
- Stopping in center of travelled portion of highway
- Two hands on steering wheel (appears as extremely safe driver)
- Driving without lights
- Head hanging out of window
- Improper dress, e.g., dressed in short sleeves in midwinter
- Failure to use signals when turning
- Throwing bottles out of car when being stopped for other violation
- Sleeping or dozing at traffic signal
- Failure to stop after collision when vehicle has considerable damage
- Failure to stop for police car using emergency equipment
- Facial expressions
- Cutting in while passing
- Telltale container in vehicle
- Vehicle parked along road in rural area or in unusual places
- Excessive use of horn
- Frequent lane changes when unnecessary
- Driving in wrong direction on one-way road especially divided highways
- Riding with foot on brake
- Over concern when followed by police car
- Personal identification -- known to officer as heavy drinker
- "Dipping while driving" -- 5th under the seat
- Driving with considerable damage to vehicle as: steam coming from engine, riding on flat tires

Gathering evidence must be primary in the mind of the arresting officer. Unusual actions about the driver must be noted for future court testimony. After the suspect vehicle is stopped, the following list contains some observations which may be useful:

- Red light and siren -- approach with caution
- Pullover techniques -- try to stay behind car in stopping maneuver
- Pinch where stopped -- do not permit him to drive to shoulder
- Observe first reaction at time of stopping
- Motor coordination -- leaning, staggering, etc.
- Difficulty producing credentials
- Odor
- Whiff of breath -- stand down wind
- Slurred speech
- Vomitus on clothes or interior of car or exterior of car
- Patronizing or aggressive attitudes
- Name dropper -- political, religious, police friends
- What he said -- quote verbatim
- Observation of all clinical symptoms
- Eyes blood shot and watery
- Appearance when arrested vs. appearance in court
- Changes in behavior (from arrest to booking)
- Record details
- Road measurements
- Weather conditions
- Disorientation as to time and location

At this time the arresting officer may choose to use the dexterity tests. The officer may also question the suspect at that time. Miranda warnings are not required, as long as the questioning is not custodial in nature. The brief detention of a citizen based upon an officer's reasonable suspicion that criminal activity may be afoot is permissible for the purpose of limited inquiry in the course of a routine investigation, and any incriminating evidence which comes to the officer's attention during this period of detention may become a reasonable basis for effecting a valid arrest. If the officer conducts a post arrest interrogation, then he must advise the accused of his Miranda warnings.

TO CHECK YOUR PROGRESS, ANSWER THE FOLLOWING QUESTIONS.

Directions: Using your response sheet, circle I, II, III, or IV to indicate the phase of detection in which the following detections would probably occur.

5. The officer observes a vehicle swerving from side to side.
6. After questioning the DWI driver, the officer administers roadside and stationhouse sobriety tests.
7. The officer signals the driver to stop; the driver stops and the officer exits his police car.
8. While investigating a traffic accident, the officer discovers physical evidence depicting driving behavior possibly caused by alcohol impairment.
9. The officer approaches the driver's vehicle on foot and makes face-to-face contact.

TO CHECK YOUR ANSWERS TURN TO THE KEY ON PAGE XXX - 24.  
REVIEW ANY ITEMS YOU MISSED BEFORE CONTINUING.

DETERMINING ENFORCEMENT ACTION FROM  
ACCUMULATED DETECTION CLUES

Making Enforcement Decisions

There are relatively few types of enforcement options from which to choose. First, the officer may make a physical arrest for DWI, an arrest that may or may not be accompanied by the simultaneous issuance of a traffic citation for DWI. Secondly, the officer may choose not to arrest for DWI but rather simply issue a traffic citation for an offense other than DWI. Typically, he will charge the driver with a moving violation that relates to the Phase I clue(s) that attracted his attention in the first place (e.g., driving over center line). Third, the officer may decide against both arrest and citation, releasing the driver with a verbal or written warning. Last, the officer may or may not release the driver while seeking additional evidence. This last choice often is used in conjunction with the investigation of traffic accidents where the officer feels that additional on-scene and/or off-scene investigation is warranted before a valid enforcement decision can be made.

The time and place of the enforcement decision may vary. In the case of the typical "on-view" violation, the enforcement decision is made in the field at the scene of the apprehension. Enforcement decisions associated with the investigation of traffic accidents may be made off-scene as soon as follow-up investigation has been completed. In some instances, the enforcement decision will be made at the station, as in the case of the driver who is arrested for DWI but subsequently is determined to have a health-related reason for his erratic driving.

## INTERRELATION OF THE FOUR DETECTION PHASES

The four detection phases previously discussed are closely related because the sum total of all detection clues provide the reasonable grounds to believe that the driver committed the offense of DWI -- reasonable grounds does not stem from "after the fact" (i.e., "after the arrest") measurements of the BAC of the person.

Application of the concepts of detection phases and detection clues involves several levels of decision-making. First, there is an initial enforcement decision to be made -- whether to stop the suspect on the basis of the Phase I clues that have been observed. Second, there is an enforcement decision to be made after the (face-to-face) field investigation is concluded. This decision involves the total of the detection clues from Phase I, II, and III. Clues from all three phases go into making the appropriate enforcement decision. Last, a decision has to be made regarding enforcement action when the investigation of a traffic accident has been concluded. That decision involves detection clues that really originated back in Phase I, although the investigating officer "sees" these clues through the process of accident reconstruction. In addition, he usually has the benefit of face-to-face contact (Phase III) with the suspect driver unless the driver is seriously injured or killed in the crash.

Thus, the various clues are interrelated as follows:

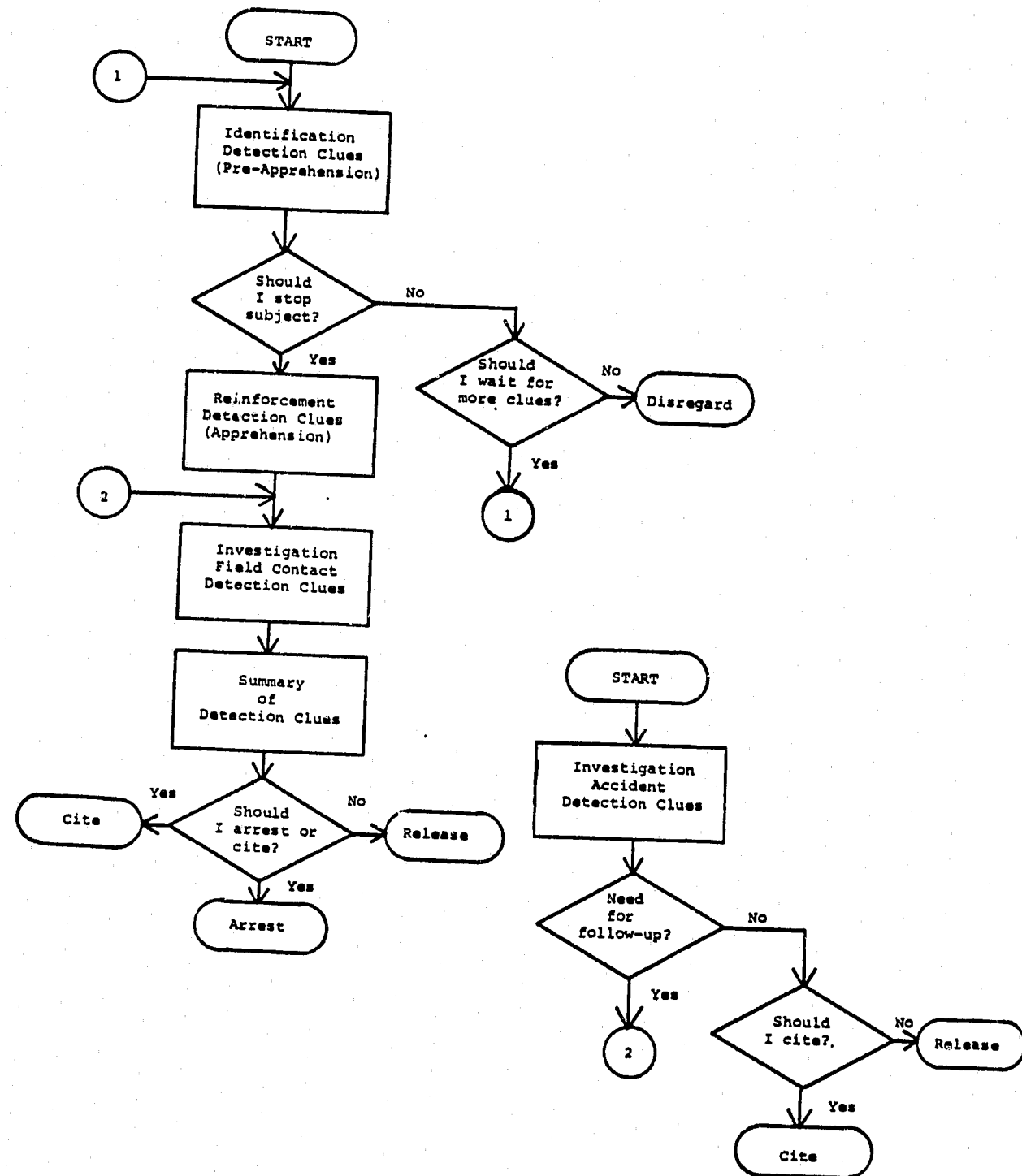
- 1) Identification clues (Phase I) are the initial catalyst that start the enforcement process.
- 2) Reinforcement clues (Phase II) substantiate or fail to substantiate the initial interpretation.
- 3) Field contact investigation clues (Phase III) further substantiate or fail to substantiate previous interpretations.
- 4) Accident investigation clues (Phase IV) initiate enforcement action but require different handling due to legal restrictions.

Figure 1, "Detection Clue Decision Flow Chart" sets forth where the various detection phases apply to the enforcement process. It also reflects the overall sequence of events that lead to the enforcement decision of physical arrest, issuance of a traffic citation, or release of the suspect driver.

TO CHECK YOUR PROGRESS PLEASE ANSWER THE FOLLOWING QUESTIONS.

Figure 1

DETECTION CLUE DECISION FLOW CHART



Directions: Using your response sheet, circle A if the following statements are accurate. Circle NA if they are not accurate.

10. Miranda warnings are required to question a DWI suspect even when the questioning is not custodial in nature.
11. If an officer makes a physical arrest for DWI, a traffic citation for DWI does not necessarily have to be issued at the same time.
12. If a DWI citation is not issued, the officer can issue a warning instead of a traffic citation.
13. The time and place of an enforcement decision does not vary according to the type of investigation being conducted, but is always made at the scene of the violation.
14. The sum total of all detection clues provide the "reasonable grounds" to believe that the driver committed the offense of DWI.

TO CHECK YOUR ANSWERS TURN TO THE KEY ON PAGE XXX - 24.

REVIEW ANY ITEMS YOU MISSED BEFORE BEGINNING THE POSTTEST.

XXX

KEY TO EMBEDDED QUESTIONS

	Refer to Page XXX -
1. b. Pre-contact recognition of driving behavior indicative of a DWI driver.	3-4
2. d. All of the above	3-4
3. d. All of the above	5-6
4. c. Both of the above	6-7
5. I	11-12
6. III	11-13
7. II	11-13
8. IV	12-14
9. III	11-13
10. NA	19-21
11. A	19-21
12. A	19-21
13. NA	19-21
14. A	19-21

XXX

DETECTION OF THE DRINKING DRIVER  
PRE-APPREHENSION

Appendix

Introduction

This appendix includes a list of detection clues for the identification of DWI drivers for each of the following four phases:

- Phase I : Identification Detection Clues (Pre-apprehension)
- Phase II : Reinforcement Detection Clues (Apprehension)
- Phase III: Field Contact Investigation Detection Clues
- Phase IV : Accident Investigation Detection Clues

Students are not expected to memorize any or all of these clues. Read and refer to them frequently to become familiar with the general concepts identified.



IDENTIFICATION DETECTION CLUES

(Pre-Apprehension: Phase I)

CLUES FOR DETECTING VEHICLE MANEUVERS OF DRINKING DRIVERS

Vehicle speeds

- Posted speed:
  - Faster than posted
  - Slow speed (impede)
- Safe speed:
  - Faster than safe
  - Slow (impede)

Inconsistent fluctuating speeds

Drag racing

- Speed contest

Improper turns

- Right turn/Left turn:
  - Cutting corner
  - Wide turn
- "U" turns:
  - Illegal U-turn
  - Wide U-turn

Turning from or into wrong lane

- From/Into wrong lane:
  - Right turn from left lane
  - Left turn from right lane

Weaving on roadway

- Changes lanes--passing:
  - Enters passing lane frequently
  - Passes in different lanes
- Changes lanes--not passing:
  - Changes lanes frequently
  - Weaves in lane

Driving continually in left lane

- Traffic trying to pass:
  - Sounding horn
  - Blinking lights
  - Traffic passes on right

Failure to maintain lane position (multi-lane road)

- Encroaches to left and/or right:
  - Continuously drives straddling lanes
  - Frequently
  - Infrequently

Driving over center line

- Straight or curved roadway:
  - Fails to keep to right of painted line
  - Fails to keep to right of center (unmarked)

Disregards traffic signals and/or signs (stop, yield, etc.)

- Fails to obey signal/sign--increases speed
- Fails to obey signal/sign--constant speed
- Fails to obey signal/sign--reduces speed

Unusual approach to signs and signals

- Approach to sign or signal:
  - Approach at high speed
  - Approach at moderate speed
- Abrupt stop at sign or signal:
  - Severe abrupt stop (locked wheels)
  - Rapid deceleration
  - Not a smooth stop

Overshooting/Stopping short of signs or signals

- Stops in intersection:
  - Obstructs traffic
  - No obstruction
- Stops beyond sign:
  - Few feet
  - Slight distance (e.g., 8-10 feet)
  - Considerable distance (e.g., 15-20 feet)
  - Great distance (e.g., 30-40 feet)

Jerky starts and stops

- When stopped at intersection
- When leaving parked position
- When entering freeway
- When stopped in traffic lane
- When leaving private driveway

Long stops at signs and signals

- Hesitates for 5-15 seconds
- Stops for appreciable amount of time (15-30 seconds)
- Stops for considerable amount of time (30-60 seconds)
- Stops for extreme amount of time (full signal cycle or one minute)

Driving close to curb or shoulder

- Vehicle position to unpaved shoulder:
  - Vehicle driven on shoulder
  - Right wheels of vehicle on shoulder
  - Vehicle driven close to shoulder
- Vehicle position to curb:
  - Vehicle driven over curb
  - Right wheels over curb
  - Right wheels rubbing curb
  - Right wheels striking curb
  - Vehicle driven close to curb

Improper passing

- Passes on hills:
  - Passes on the crest
  - Passes on grade
  - Clips yellow line
- Passes on curves:
  - Passes in the curve
  - Passes entering curve
  - Clips yellow line
- Passes at intersections:
  - Passes in the intersection
  - Passes entering the intersection
  - Clips yellow line
- Passes at railroad crossing:
  - Passes at crossing
  - Passes entering crossing
  - Clips yellow line
- Passes in restricted zones:
  - Passes over double yellow line
  - Passes over single yellow line
  - Clips over single yellow line

Loss of control of vehicle  
(non-maneuver cause)

- Leaving roadway:
  - Fails to regain control
  - Recovers and returns to roadway
- Skids on roadway:
  - Fails to regain control
  - Has difficulty in regaining control
  - Has momentary loss of control

Loss of control of vehicle  
(maneuver cause)

- Loses control in passing:
  - Fails to regain control
  - Has difficulty in regaining control
  - Has momentary loss of control
- Loses control in closing on other traffic (following too closely):
  - Fails to regain control
  - Has difficulty in regaining control
  - Has momentary loss of control

Unnecessary stop

- Stops in traffic lane for no apparent reason
- Vehicle moves and stops again

Improper backing (right-of-way)

- Backs up to off-ramp
- Backs onto roadway from parked position
- Backs onto roadway from driveway
- Backs up to reverse direction
- Backs up at intersection

Locking brakes without cause

- Curve skid
- Straight skid

Unusual use of turn signals

- Excessive use of signal (signal at fork in road when continuing on primary roadway)
- Over cautious (signals far in advance)

Improper use of turn signals

- Uses wrong signal
- Delays use of turn signal
- Corrects use of wrong signal

Excessive use of horn

- Use in passing
- Use when weaving
- Use on pedestrian
- Use for non-traffic situation
- Use in stationary vehicle

Improper vehicle lighting

- Illuminated or non-illuminated roadway:
  - Drives without lights
  - Drives with parking lights only

Failure to dim headlights

- For on-coming traffic
- When signaled

Driving on flat tire

- Drives on soft tire
- Drives on flat tire
- Drives on flat, ruined tire (e.g., shredded)

Open car window (inclement weather)

- Driver's alone or driver's and other windows down:
  - Cold
  - Raining

Driving vision obscured: complete or partial obstruction

- Dirty windshield
- Ice and snow
- Frost
- Condensation (fogging up)

HUMAN INDICATORS FOR DETECTING DRIVING BEHAVIOR OF DRINKING DRIVER

Loss of attention

- Passenger distractions:
  - Head turned (long time)
  - Hand and body gestures
  - Head turned and/or gestures (brief)
- Distractions when alone:
  - Head turned, prolonged.
  - Abnormal use of hands and body gestures
  - Looking at materials; e.g., map
  - Looking to side (brief glancing)
- Operating devices improperly:
  - Tuning radio
  - Setting temperature controls
  - Setting mirrors
  - Using windshield wiper
- Improper use of smoking materials
  - Lighting smoking material
  - Extinguishing smoking materials
  - Reacting to burning ashes

Falling asleep

- Driver's body position:
  - Drowsily slouches in seat
  - Leans against window
  - Leans against head rest
  - Falls asleep when stopped;  
e.g., signal (vehicle creeps)
  - Falls asleep when stopped;  
e.g., signal (stationary vehicle)
- Driver's body movement:
  - Head drops frequently
  - Repeatedly slouches in seat
- Driver's behavior:
  - Frequently drifts from lane
  - Closes rapidly on preceding vehicle
- Driver's behavior when parked:
  - Sleeps on steering wheel
  - Sleeps against door
  - Sleeps on front seat

Vomiting

- Vehicle in motion:
  - Vomits while driving
  - Vomits on car exterior
- Stationary vehicle:
  - Driver vomits in car
  - Driver vomits beside car
  - Vomits on clothing
  - Vomits on vehicle

Unconsciousness

- Driver slumps over wheel
- Driver slumps in seat

Urinating

- Urinates in rural or inhabited area:
  - Standing by vehicle stopped on road
  - Standing by vehicle legally parked

Use of profanity

- Directs profanity towards companions:
  - By car
  - In car, stopped at signal
- Directs profanity towards other than companions:
  - Obscenities toward pedestrian
  - Obscenities toward other motorists
- Directs profanity towards vehicle:
  - Obscenities when unlocking car door
  - Difficulty in starting vehicle, e.g., can't get key in ignition

Directing attention straight ahead

- Leans into steering wheel
- Face close to windshield
- Clutching steering wheel
- Fixed gaze straight ahead

Sluggish body movements

- Slow movement of arms; e.g., over and under steering
- Holds steering wheel at bottom with upturned hands and dropped elbows

Slumped down in seat (non-fatigued)

- Slouches in seat (yet alert)
- Slouches in seat (drinking)

Blank staring look (no facial expression, observation without comprehension)

- Fixed gaze
- Minimal eye movements



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Consuming alcoholic beverages

- Drinks while driving:
  - Picks up can or bottle from floor
  - Raises can or bottle to mouth
  - Drinks from can or bottle
- Drinks in stationary vehicle:
  - Slumps in seat to sip drink
  - Raises can or bottle to mouth
  - Drinks from can or bottle

Driver's head protruding out of window

- Head protruding out window-- inclement weather
- Head protruding out window-- fair weather

Throwing objects from vehicle

- Throws objects from moving or stationary vehicle:
  - Tosses cans or bottles from driver's window
  - Tosses cans or bottles from windows other than driver's
  - Throw's other litter from moving vehicle

Obscene gestures

- Obscene gestures by driver toward other motorists:
  - "Giving the finger"; i.e., hand up, fingers curled except upright middle finger
  - Thumbs his nose
  - Sticks out his tongue
- Obscene gestures by driver toward pedestrians:
  - "Giving the finger
  - Thumbs his nose
  - Sticks out his tongue

Signs of exaggerated emotions (anger, joy, sorrow)

- Driver alone in vehicle:
  - Laughs hysterically
  - Crys uncontrollably
  - Talks to himself
  - Pounds fist on steering wheel
  - Excessively rubs his brow
  - Shakes head violently
  - Repeatedly scratches his face
  - Repeatedly passes hands through hair
- Driver with occupants in vehicle:
  - Argues with occupant
  - Excessively and wildly gestures
  - Rapidly moves up and down in seat
  - Laughs hysterically
  - Crys uncontrollably
  - Pounds fist on steering wheel
  - Shakes his head violently

REINFORCEMENT DETECTION CLUES

(Apprehension: Phase II)

CLUES FOR DETECTING VEHICLE MANEUVERS OF DRINKING DRIVERS DURING APPREHENSION

Attempts to elude

- Acceleration:
  - Accelerates rapidly
  - Comes to full stop, then accelerates rapidly
- Turning movements:
  - Side-streets
  - Driveways
- Turns off lights
- Passes on right
- Disregards traffic controls:
  - Signs (e.g., stop, yield)
  - Signals

Failure to stop promptly

- Appears to perceive signal to stop:
  - Increases speed moderately; e.g., by 10 mph
  - Maintains constant speed
  - Decreases speed but not to full immediate stop
- Does not appear to perceive signal:
  - Increases speed moderately; e.g., by 10 mph
  - Maintains constant speed
  - Decreases speed but not to full immediate stop

Loss of control of vehicle

- Veers left:
  - Into oncoming lane
  - Across oncoming lane and continues off roadway
- Veers right:
  - Off roadway
  - Onto shoulder
  - Strikes curb
  - Strikes object in roadway (e.g., parked car)

Comes to abrupt halt

- Without locking brakes:
  - Comes to unusually fast stop
- Locking wheels:
  - Skids to a stop

Stops in roadway (where shoulder is available)

- Two-lane, two-way street:
  - Stops in oncoming lane (left lane)
  - Stops in right lane
- Multi-lane, one-way street:
  - Stops in center lane
  - Stops in right lane

Jerky stopping

Uses wrong turn signal

- Activates left turn signal:
  - Then turns to right
- Activates right turn signal:
  - Then turns to left

Unnecessarily obstructing other traffic

- Public roadway:
  - Cross street
  - Entrance/exit to expressway
- Private:
  - Business entrance
  - Shopping center entrance or exit
  - Factory entrance or exit

Vehicle left in gear

- Creeps forward or backs up:
  - Driver realizes it and stops his vehicle himself
  - Driver fails to realize it--must be told to stop the vehicle
  - Driver fails to realize it--officer stops the vehicle

Erratic driving

- Improper lane usage:
  - Straddles lane
  - Starts to make turn, then returns to driving lane
- Disregard of signs and signals:
  - Traffic signals
  - Stop signs
  - Yield signs
- Forces traffic off road

HUMAN INDICATORS FOR DETECTING VEHICLE MANEUVERS OF DRINKING DRIVERS DURING APPREHENSION

Concealing alcoholic beverages

- In various places in the car:
  - Under the seats
  - On floorboards
  - In glove compartment
  - Between edge of driver's seat and driver's door
  - Between driver's seat and transmission hump (bucket seat models)
  - On seat under loose object (e.g., jacket)
- About the driver's person:
  - In clothing being worn (e.g., jacket pocket, trouser pocket)
  - By sitting on the items
  - In waistband of trousers
  - In purse or handbag

Driver sits up. Assumes erect position in seat.

Littering of alcoholic beverage containers or other objects

- Out driver's window
- Out other windows

Exchanging seating positions

- Moving vehicle:
  - As vehicle is coming to halt
- Stationary vehicle:
  - After vehicle has halted

Signs of emotional upset

- Verbal signs
  - Talks to self
- Non-verbal signs
  - Shakes head violently
  - Pounds steering wheel

Flees scene on foot before contact by officer

INVESTIGATION -- FIELD CONTACT DETECTION CLUES

(Phase III)

PHYSIOLOGICAL INDICATORS OF ALCOHOLIC INFLUENCE DETECTED DURING INVESTIGATION

Dilated pupils

Slow pupil reaction to light

Bloodshot, watery eyes

Deficient depth perception

- Poor results in finger-to-nose test
- Poor results in picking up coin test
- Fails to grasp object, door handle of police car, etc.
- Walks into objects

Complaint of double vision

Crossed eyes

Impaired speech

- Slurred
- Slow and deliberate

Talks continuously on same topic or rambles on numerous topics

Affected hearing

- Partial loss of hearing:
  - Difficulty in hearing normal conversational tones
  - Loud car radio
- Hears better than usual

Complaint of ringing in ears

Increased reaction time

- Turns during "walking straight line" test:
  - Fails to turn quickly
- Avoids approaching object (e.g., police car door being opened):
  - Fails to avoid object

Impaired balance

- While standing still or while walking:
  - During psychophysical test(s)
  - Non-test situation

Impaired walking

- Stands and walks with legs far apart

Uncoordinated movement of hands and fingers (e.g., fumbling while locating driver's license)

Deliberate body movements

- Arm, leg, or head movements:
  - Slow, deliberate motion

Hiccoughing and belching

Complains of nausea and vomiting

Complains of strong urge to urinate

Incontinence of urine and feces (wet and/or soiled trousers)

Complains of fatigue while standing or sitting in car

Feeling of warmth

- Outside of any vehicle (e.g., not wearing a jacket in cold weather)
- In vehicle (e.g., police vehicle)

Dizziness

Decreased sense of pain

- Injury sustained in officer's presence (e.g., walking into car door); does not react normally
- Visible injury not sustained in officer's presence (e.g., laceration)

Coarse tremors of hands, arms, and head

<p>"Blacked out" condition</p> <ul style="list-style-type: none"><li>• Cannot recall events immediately preceding the police contact</li></ul> <p>Complains of various body parts being numb</p> <p>Active case of D-Ts (delirium tremens)</p> <p>Difficulty in breathing (shallow, very rapid, etc.)</p> <p>Unconscious</p> <p>Abnormal facial color (flushed, pallid)</p> <p>Closely bitten fingernails</p>	<p>Multiple bruises</p> <ul style="list-style-type: none"><li>• Head, arms, or hands</li></ul> <p>Odor of alcoholic beverages on breath</p> <ul style="list-style-type: none"><li>• Odor is present:<ul style="list-style-type: none"><li>• Strong, moderate, or slight</li></ul></li></ul>
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PSYCHOLOGICAL INDICATORS OF ALCOHOLIC INFLUENCE DETECTED DURING INVESTIGATIONS

Increased self-confidence

- Confident in speech; unsure in actions (e.g., producing driver's license)

Loss of comprehension

- Understanding officer's verbal directions:
  - Hears but does not understand
- Understanding officer's demonstration of psychophysical test:
  - Does not understand

Sudden change of emotions (e.g., anger to laughing)

Disoriented

- Dazed condition--can not react to environment

Unprovoked hostility (insulting, argumentative)

Accommodating mood

- Reacts to request to exit vehicle take psychophysical tests, and/or have vehicle searched:
  - Volunteers freely
  - Reluctantly consents
  - Objects

Impaired judgment

- Manifest in speech:
  - Unsolicited, incriminating statements
  - Inappropriate statements (e.g., racial remark to black officer)
- Manifest in actions:
  - Consumes alcoholic beverage in officer's presence
  - Fails to comply with sound advice of officer (e.g., failure to stay out of path of passing traffic)

Impaired memory

- Cannot recall address, name, etc.

Apathy (total lack of concern)

Use of profanity

- Toward officer and/or in general conversation:
  - Used
  - Used after warning by officer

Decreased span of attention

- Comprehends but cannot "stay with" topic in question (e.g., a particular psychophysical test)

Attempts to change topic of conversation

ACTION INDICATORS OF ALCOHOLIC INFLUENCE DETECTED DURING INVESTIGATION

Littering

- Tosses cans, bottles, or other litter from driver's or passenger's window
- Sets alcoholic beverage containers on ground beside vehicle

Heavy smoking

- Smokes heavily (e.g., "chain-smoking")
- Smokes during the contact
- Lights a cigarette while he has one already burning

Averts breath from officer

Forceful-aggressive actions

- Slams vehicle doors (his or patrol vehicle)
- Pulls items from pockets so hard as to cause contents to fall to ground
- Jerks credentials from officer's hand
- Slams his wallet down hard on trunk or hood of his car.

OTHER INDICATORS OF ALCOHOLIC INFLUENCE DETECTED DURING INVESTIGATION

Contacted at unusual hour in unusual location--no explanation

- Not near residence
- Not near employment

Alcoholic beverages in vehicle (open or sealed containers)

Alcoholic beverages on person

- Pocket flask
- Other type of container (open)
- Other type of container (sealed)

Unusual physical appearance

- Torn clothing (e.g., trousers)
- Clothing dirty in spots
- Loose necktie
- Unbuckled belt
- Shirttail out
- Shoes untied
- Trousers zipper open
- Unbuttoned trousers
- Unbuttoned shirt
- Vomitus on clothing
- Ruffled hair

INVESTIGATION--ACCIDENT DETECTION CLUES

(Phase IV)

NON-HUMAN INDICATORS OF ALCOHOLIC INFLUENCE DETECTED DURING ACCIDENT INVESTIGATION

Skidmarks

- Absence of any skidmarks
- Short skidmarks
- Lengthy skidmarks

Tire prints on entire or partial shoulder of road

Evidence of driving on wrong side of road

- Completely or partially in opposing lane:
  - Final resting position of vehicles
  - Location of damage on vehicles
  - Location of debris on roadway
  - Tire prints or skidmarks on roadway
  - Statements (e.g., witnesses)

Evidence of weaving in roadway

- Damage to objects (e.g., cars, mailboxes) on both sides of roadway
- Tire prints and skidmarks on both sides of roadway
- Statements (e.g., witnesses)

Evidence of driving without lights

- Statements re: driving without lights
- Light switch in "off" position
- Unoxidized headlight filament(s)

Vehicle displays evidence of numerous minor collisions (e.g., dents, scratches)

Alcoholic beverage containers in vehicle

- Evidence of recent consumption  
(e.g., open, cold, wet)
- No evidence of recent consumption  
(e.g., unopened, bagged)

Hit-run accident

- Responsible vehicle and  
driver fled scene
- Responsible vehicle present;  
driver fled scene

HUMAN INDICATORS OF ALCOHOLIC INFLUENCE DETECTED DURING ACCIDENT INVESTIGATION

Hazard perception

- Driver states he did not perceive hazard:
  - Attempted evasive action
  - Did not attempt evasive action
- Driver states he perceived hazard:
  - Attempted evasive action
  - Did not attempt evasive action

Driver indifferent to seriousness of accident

Awareness of driver

- Driver unaware that accident occurred
- Driver unconscious