








COURSE TITLE



Icons	Lesson Plan	Instructor Notes
Time Icon	CHAPTER NUMBER CHAPTER TITLE	Total session time:
Slide Prompt	Manual Information	Slide Reference Slide Reference
Slide Prompt		
Slide Prompt		Slide Reference(manual reference)
		INSTRUCTOR HIGHLIGHTS:
Slide Prompt		Slide Reference (Manual Reference)
Slide Prompt		(Manual Reference)
Slide Prompt		(Manual Reference)

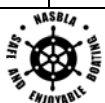
BOATING UNDER THE INFLUENCE DETECTION AND ENFORCEMENT TRAINING

      	<p>4. OVERVIEW OF DETECTION, NOTE TAKING, AND TESTIMONY</p> <p>A. Three Phases of Detection</p> <ol style="list-style-type: none"> 1. This segment focuses on the job of BUI detection. <ol style="list-style-type: none"> a. BUI detection defined as - "The entire process of identifying and gathering evidence to determine whether a suspect should be arrested for a BUI violation. b. Detection begins when the officer develops the first suspicion that a BUI violation possibly is occurring. c. Detection ends when the officer finally decides whether there is or is not sufficient probable cause to arrest the suspect for BUI. 2. Typical BUI detection involves three phases. <ol style="list-style-type: none"> a. In Phase One, the officer usually observes the suspect operating the vessel. b. In Phase Two, after the officer has stopped the suspect, there is usually an opportunity to observe and speak with the suspect face- to-face. 	<p>Total session time: Approximately 50 minutes</p> <p>Slide 4-1 Slide 4-2 (auto)</p> <p>Slide 4-3 (manual 1)</p> <p>POINT OUT the initial suspicion may be very slight in some cases, and may be very strong in others.</p> <p>Slide 4-4 (Manual)</p> <p>(Manual 1)</p> <p>(Manual 1)</p>
---	--	--



BOATING UNDER THE INFLUENCE DETECTION AND ENFORCEMENT TRAINING

 	<p>c. In Phase Three, the officer usually has an opportunity to administer some formal, structured tests to the suspect to evaluate the suspect's degree of impairment.</p> <p>3. Each detection phase involves a major decision.</p> <p>a. Phase One: Decision – is there sufficient cause to command the suspect to stop? Do you need a reason to stop the vessel?</p> <p>b. Phase Two: Decision – is there sufficient cause to administer field sobriety tests to the suspect?</p> <p>c. Phase Three: Decision – is there sufficient probable cause to arrest the suspect for BUI?</p> <p>4. At any particular moment, any of these three major decisions could have three different outcomes.</p> <p>a. Possible decision #1, "Yes...do it now."</p>	<p>(Manual 1)</p> <p>Slide 4-5</p> <p>POINT OUT that merely stopping the suspect doesn't necessarily mean a commitment to arrest for BUI.</p> <p>POINT OUT that by requesting the suspect to participate in SFSTs the officer is still not committed to making an arrest. However, the officer clearly suspects there is a strong possibility that the operator is under the influence.</p> <p>This decision is based on the accumulation of evidence from all 3 phases and represents the culmination of the detection process.</p> <p>Examples:</p> <ul style="list-style-type: none">• Phase one – yes, there are reasonable grounds to stop the operator• Phase two – yes there is enough reason to suspect alcohol/drug impairment to justify the performance of SFSTs
--	--	--




BOATING UNDER THE INFLUENCE DETECTION AND ENFORCEMENT TRAINING

	<p>b. Possible decision #2, Wait...look for additional evidence."</p> <p>c. Possible Decision #3: "No...don't do it."</p> <p>5. Summary of Detection Phases.</p> <p>a. Sometimes there are BUI detection contacts in which Phase One is absent: that is, where there is no evidence of BUI violation based on the officer's observation of the vessel in motion.</p> <p>b. Sometimes, there are contacts in which Phase</p>	<ul style="list-style-type: none"> • Phase three – yes, there is probable cause to arrest the operator for BUI <p>Examples:</p> <ul style="list-style-type: none"> • Phase one – don't stop the operator yet; keep following and watch a bit longer (unless involved in a vessel safety inspection) • Phase two – don't administer SFSTs talk to the operator some more. • Phase three – don't arrest the operator yet; administer some further SFSTs. <p>Example:</p> <ul style="list-style-type: none"> • Phase one – No, there are no grounds to stop the operator • Phase two – No, there isn't enough evidence of BUI to administer SFSTs • Phase three – No there isn't sufficient probable cause to make an arrest. <p>Ask representative students to suggest situations in which Phase One might be absent. (Accident scene, routine vessel safety check, disabled vessel, etc.)</p> <p>Ask for examples (Suspect grossly intoxicated, badly injured, refuses</p>
--	---	--




BOATING UNDER THE INFLUENCE DETECTION AND ENFORCEMENT TRAINING

	<p>Three never occurs: that is, where no formal tests are administered to the suspect.</p> <p>c. At each phase of detection, the officer must determine whether there is sufficient evidence to provide the “reasonable suspicion” necessary to proceed to the next step in the detection process.</p> <p>(1) It is always the officer’s duty to carry out whatever phases are appropriate, to make sure that all relevant evidence of BUI is brought to light.</p> <p>(2) The ultimate decision to arrest or not arrest for BUI is based on the accumulation of all relevant evidence gathered from each phase.</p> <p>B. BUI Investigation Field Notes</p> <ol style="list-style-type: none"> 1. Throughout this course, students will have opportunities to practice observing, recording, and describing evidence associated with the detection phases. 2. The evidence gathered during the detection process 	<p>SFSTs)</p> <p>Slide 4-6 (manual 4)</p> <p>Solicit student questions concerning the review of detection phases</p> <p>POINT OUT how the practice opportunity will be provided (e.g., video segments, classroom demonstrations, etc.)</p>
---	---	---




BOATING UNDER THE INFLUENCE DETECTION AND ENFORCEMENT TRAINING

	<p align="center">Sobriety Test Performance Report form.</p> <p>C. Courtroom Testimony</p> <ol style="list-style-type: none"> 1. Although the majority of BUI cases do not actually come to trial, the arresting officer must be fully prepared to testify in court. 2. Testimonial evidence in BUI cases usually is the only way to establish that the accused was actually the operator of the vessel alleged to have been involved in the investigation. 3. Testimonial evidence also may be the primary and sometimes the only means of establishing that the accused was impaired, intoxicated, or under the influence of alcohol or other drugs. 4. Even when scientific evidence is available, supportive testimonial evidence will be required to permit introduction of that scientific evidence in court. 5. Testimonial evidence is only as good as it is clear and convincing. 6. First Requirement: Prepare Testimony <ol style="list-style-type: none"> a. Testimony preparation begins at the time of the incident. 	<p>Refer to copy in student manual and review.</p> <p>NOTE: Emphasize the importance of documentation in preparation for court testimony.</p> <p>POINT OUT that students will have an opportunity to practice giving testimony as the training progresses.</p> <p>Slide 4-14 (manual 1, then auto)</p>
---	--	---




BOATING UNDER THE INFLUENCE DETECTION AND ENFORCEMENT TRAINING

	<ul style="list-style-type: none">• recognize significant evidence• compile complete, accurate notes• prepare complete, accurate report <p>b. Testimony preparation continues prior to trial.</p> <ul style="list-style-type: none">• review original notes• review case file• mentally organize elements of offense and the evidence available to prove each element• Mentally organize testimony to convey observations clearly and convincingly <p>c. Prior to the trial, discuss the details of the case and testimony with the prosecutor assigned to the case.</p> <p>7. Testimony should be arranged chronologically and should cover each phase of the incident.</p> <p>a. Initial observation of the vessel and/or suspect.</p>	<p>POINT OUT that a pretrial conference is recommended. However, the decision whether or not to conduct one is controlled by the prosecutor and may occur 5 minutes before the trial.</p> <p>Slide 4-15 (auto)</p> <p>POINT OUT that, in most instances, the prosecutor will control the sequence of testimony. However, the officer should organize testimony in a logical</p>
---	---	--



BOATING UNDER THE INFLUENCE DETECTION AND ENFORCEMENT TRAINING

	<ul style="list-style-type: none"> b. Reinforcing cues, maneuvers, or actions observed after signaling the suspect to stop but before the suspect's vessel came to a stop. c. Cues, statements, and other evidence obtained during officer's initial face-to-face contact with the suspect. d. Results of SFSTs administered to the suspect. e. The arrest itself; including procedures used to inform suspect of arrest and advising suspect of rights. f. Suspect's actions and statements subsequent to the arrest. g. Observation of suspect subsequent to the arrest. h. The request for the chemical test; including procedures used, admonition of rights, etc. i. The administration and results of the chemical test (if applicable). j. Interrogation of suspect. <p>D. Test your Knowledge</p>	<p>time-sequence to present the facts in the order in which they occurred.</p> <p>Slide 4-16 (auto)</p> <p>To be included only if the arresting officer was also the testing officer.</p> <p>Solicit student's questions concerning testimonial requirements.</p> <p>Have students turn to page 14 of Session 4 in their student manuals and</p>
---	--	---



BOATING UNDER THE INFLUENCE DETECTION AND ENFORCEMENT TRAINING

		<p>complete the pages.</p> <p>Discuss the answers.</p> <ol style="list-style-type: none">1. The entire process of gathering evidence to determine if a suspect should be arrested for BUI.2. Vessel in Motion Personal Contact Pre-arrest Screening3. Observe the vessel being operated4. There is gross intoxication, bad injuries, refusal to submit to tests5. Whether or not to administer field sobriety tests6. Three. Do it now, Wait a little longer, or Don't do it.7. Whether or not there is enough evidence to move to the next phase8. Sensory (also short-lived)9. Short-lived10. At the time of contact with the BUI violator11. Review field notes/arrest report, mentally organize facts, discuss the case with the prosecutor12. Chronologically
--	--	---

