

# **USING THEIR TESTS TO PROVE SOBRIETY**

## **ASSIGNED COUNSEL DEFENDER PLAN OF SUFFOLK COUNTY**

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# **HGN (HORIZONTAL GAZE NYSTAGMUS)**

Must be sober to fail

# WITNESS PSYCHOLOGY

## Police officers

- a. Fear of public embarrassment
- b. Team psychology
- c. Peer disapproval
- d. Control essential to police work
- e. Need to be consistent in testimony

# USE POLICE TRAINING

Trained to observe

Trained to note observations

# IF NOT NOTED-DIDN'T HAPPEN

Driving

License and registration

Seat belt

Exit

# USE DETAIL TO SEPARATE MEMORY FROM NOTES

Okay not to remember

Refreshing recollection -- fraud

# USE POWER OF PAPER

Don't ask for authentication.

# GAINING CONTROL

- Start small -- speeding
- Fight battles in shallow water
- Make issue of non-responsive answers as bias.
- Control vs. impeachment



**WALK AND TURN**

**ONE LEG STAND**

# DEBUNK SCORING SYSTEM

- Misses heel-to-toe 18 times -- passes
- Misses heel-to-toe and steps off line on same step -- fails
- No common sense

**USE PRE-TRIAL HEARINGS  
TO PIN DOWN TESTIMONY**

USE FACT QUESTIONS

VS.

THOUGHT QUESTIONS