

**A Law Enforcement Officer's
Guide to Testifying
in DWI and Other Cases**

A Law Enforcement Officer's Guide to Testifying in DWI and Other Cases

James M. Vukelic



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To my son-in-law, Shaun, and all of the other law enforcement officers who so competently serve and protect us; and to my son, Reed, and all of the others in our military who do the same in the air, on land, and sea. I salute you.

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Foreword

The overall purpose for writing this book is to reduce the carnage on our highways caused by impaired driving. If officers make good arrests and can effectively articulate why they did so, more convictions should result and our impaired driving laws will serve as a better deterrent. A secondary goal is to reduce the stress attendant to testifying in court. As one neurologist noted, we become less anxious and better able to recall details when our stress level is low. One of the best ways to reduce stress is to prepare for the anxiety-producing event; for officers, that event is the trial. This book should assist officers in that preparation and thereby make them more comfortable on the witness stand.

As a former judge, administrative hearing officer, and prosecutor, I have heard thousands of DWI cases. From those cases, I have a good sense of the questions defense attorneys typically ask in DWI cases and have included many of them in this book. Sometimes a suggested response or warning is offered. The suggested responses are not necessarily better than those an officer might give without reference to this book but knowing the questions in advance gives an officer time to construct a truthful answer. Forewarned is forearmed.

Another advantage to becoming familiar with questions often posed by defense attorneys is that it may help an officer modify and improve standard operating procedures. While defense attorneys can be creative and come up with new angles to discredit an officer's testimony, many of the tactics described in this book have been used for decades. It is doubtful those tactics will be abandoned anytime soon because they are often successful. For example, if officers know that defense attorneys will likely ask questions about weather conditions at the time of the stop because those conditions can impact

field sobriety testing, officers may be persuaded to include those details in their incident reports.

Our justice system is built on the theory that when two opponents are evenly matched, each will bring out the strengths of his own case and the weaknesses of the opposition. In theory, the truth emerges from this adversary process and justice is served. This book will help officers become better at their craft and make them stronger allies in the search for truth.