

# **Fontana Police Department**

## **Standardized Field Sobriety Testing (SFST) | 7530-20290**

### **Course Outline**

**Statement of Purpose:** The purpose of this course is to provide officers with the skills to identify, evaluate and appropriately explain the evidence of a driver under the influence.

- I. Day One
  - A. Introduction / Course Overview and Objectives
    - 1. Introduce Myself
      - a. Experience and Expertise
    - 2. Course Overview and Objectives
      - a. Provide standardized training of Standardized Field Sobriety Tests.
      - b. Increase level of deterrence of DUI/DWI violations and reduce number of crashes, deaths and injuries caused by DUI/DWI violators.
      - c. Enable officers to understand tasks and decisions of DUI/DWI detection.
      - d. Educate officers on the detection phases, clues and techniques.
      - e. Enhance officer's knowledge of driving cues.
  - B. Pre-test
  - C. Session II – Detection and General Deterrence
    - 1. Describe the frequency of DUI/DWI violations and crashes
      - a. Average DUI/DWI violator commits offense approximately 80 times a year.
    - 2. Define General Deterrence
      - a. Create fear of being arrested for DUI/DWI violations
      - b. Law enforcement officers must arrest enough violators enough of the time to convince the general public that they will get caught.
    - 3. Describe relationship between Detection and Deterrence
      - a. 1975 Fort Lauderdale, FL study results
        - 1. Only 22% of traffic violators who were stopped with BACs between .10 and .20 were arrested for DUI/DWI.
        - 2. Need for increased training in area of detection was discovered.
      - b. Increased training in area of DUI/DWI detection increased rates of detection and apprehension of DUI/DWI violators.
      - c. Fear of being caught is component of DUI/DWI deterrence.
    - 4. Brief Overview of Alcohol
    - 5. Common Types of Alcohol
      - a. Ethyl
      - b. Methyl
      - c. Isopropyl
    - 6. Description of physiologic processes
      - a. Absorption
      - b. Distribution
      - c. Elimination
  - D. Session III – The Legal Environment
    - 1. Elements of DUI/DWI offenses
      - a. BASIC DUI/DWI LAW (based on Uniform Vehicle Code)

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1. “It is unlawful for any person to operate or be in actual physical control of any vehicle within this state while under the influence of alcohol and/or any drug.”
  - b. Provisions of Implied Consent Law
  - c. Relevance of chemical tests
  - d. Preliminary Breath Test (PBT)
  - e. Discuss precedents established by case law in relation to PBTs and SFSTs.
- E. Session IV – Overview of Detection, Note-taking and Testimony
  1. Three Phases of DUI/DWI Detection
    - a. Phase One – Vehicle in Motion
    - b. Phase Two – Personal Contact
    - c. Phase Three – Pre-Arrest Screening
  2. Tasks (2) and Decision (1) of each phase
    - a. Phase One
      1. Tasks (2)
        - a. Observation of vehicle in motion
        - b. Observation of stopping sequence
      2. Decision (1)
        - a. Should I stop the vehicle?
        - b. Possible decisions
          1. Yes – Do it now
          2. Wait – Look for additional evidence
          2. No – Don’t do it
    - b. Phase Two
      1. Tasks (2)
        - a. Face to face contact
        - b. Observation of exit and walk
      2. Decision (1)
        - a. Should the driver exit?
        - b. Possible decisions
          1. Yes
          2. Wait
          3. No
    - c. Phase Three
      1. SFSTs
        - a. Horizontal Gaze Nystagmus (HGN)
        - b. Walk And Turn (WAT)
        - c. One Leg Stand (OLS)
      2. PBT
    - d. Note-taking and field notes
    - e. Courtroom testimony
- F. Session V – Phase One
  1. Two Tasks
    - a. Observation of vehicle in motion

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1. Four categories of visual detection cues
  - b. Observation of stopping sequence
2. Decision
  - a. Should I stop vehicle?
    1. Yes – Do it now
    2. Wait – For further evidence
    3. No – Don't do it
  3. Visual Detection of DUI/DWI Motorcyclists
  4. Describe observed cues clearly and convincingly
  5. Video Presentation
  6. Student Presentation
- G. Session VI – Personal Contact
  1. Two Tasks
    - a. Face to face observation of driver and interview
    - b. Observation of exit and walk
  2. Decision
    - a. Should driver exit the vehicle?
      1. Yes – Do it now
      2. Wait – For further evidence
      3. No – Don't do it
    3. Typical clues during driver interview
    4. Interview/questioning techniques
    5. Typical clues of exit sequence of driver
- H. Session VII – Pre-Arrest Screening
  1. Two Tasks
    - a. SFSTs
    - b. PBT
  2. Decision
    - a. Should I arrest the driver?
      1. Yes – Do it now
      2. Wait – For further evidence
      3. No – Don't do it
  3. Nystagmus
    - a. Definition: involuntary jerking of the eyes
  4. Horizontal Gaze Nystagmus (HGN)
    - a. Involuntary jerking as eyes gaze to the side
    - b. Three specific clues in each eye
      1. Lack of smooth pursuit
      2. Distinct and sustained nystagmus at maximum deviation
      3. Angle of onset prior to 45 degrees
  5. Vertical Gaze Nystagmus (VGN)
    - a. Involuntary jerking eyes gaze up and down

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- b. Not addressed in initial research but found to be reliable indicator of high dose of alcohol for individual person
- 6. Divided Attention Tests (SFSTs)
  - a. Walk And Turn
  - b. One Leg Stand
- 7. PBT
  - a. Advantages
  - b. Limitations
- 8. The Arrest Decision
- 9. Video Presentations
- 10. Demonstrations

II. Day Two

- A. Session VIII – Concepts and Principles of the Standardized Field Sobriety Tests
  - 1. Overview of Development and Validation
    - a. NHTSA contracted with SCRI to determine which field sobriety tests were most accurate
    - b. Three reports
      - 1. CA: 1977 (lab)
      - 2. CA: 1981 (lab and field)
      - 3. Maryland, D.C., V.A., N.C., 1983 (field)
    - c. Research found three of the six tests researched were highly accurate when administered in a standardized manner
      - 1. HGN
      - 2. WAT
      - 3. OLS
    - d. NHTSA analyzed laboratory test data
      - 1. HGN, by itself, was 77% accurate
      - 2. WAT, by itself, was 68% accurate
      - 3. OLS, by itself, was 65% accurate
      - 4. Combining HGN and WAT produced 80% accuracy
  - 2. Field validation studies conducted
    - a. Three studies
      - 1. Few experienced officers
      - 2. Lab and field settings
      - 3. Correct arrest decision made 93% of the time using 3 test battery (HGN, WAT, OLS)
    - b. Florida – 1997
      - 1. Done under present traffic and law enforcement conditions
      - 2. 95% rate of correct arrest decision

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3. Showed that the 3 test battery is the only scientifically validated and reliable method for determining whether or not a person is impaired
- c. San Diego – 1998
  1. Conducted as legal BAC limit dropped from .10 to .08
  2. Answered the question, “Does SFST discriminate at BACs below .10?”
  3. 91% rate of correct arrest decision
  4. Proved that SFSTs support arrests decisions at .08
3. Nystagmus
  - a. Categories of nystagmus
    1. Vestibular – caused by movement or action to the vestibular system
      - a. Rotational
      - b. Post Rotational
      - c. Caloric
      - d. Positional Alcohol Nystagmus (PAN)
    2. Neural – results directly from neural activity
      - a. Optokinetic
      - b. Physiological
      - c. Gaze
        1. Horizontal
        2. Vertical
        3. Resting
    3. Pathological disorders
      - a. Tumors
      - b. Brain damage
      - c. Diseases of the inner ear
  - b. Medical impairment and how to check
    1. What to check
      - a. Pupil size
      - b. Resting nystagmus
      - c. Tracking ability
  - c. Procedures for HGN testing
    1. Three clues (three clues for each eye for a total of six clues)
      - a. Lack of smooth pursuit
        1. eyes jerk or “bounce” involuntarily
      - b. Distinct and sustained nystagmus at maximum deviation
        1. Jerking of the eyes which lasts longer than four second
        2. Jerking is more pronounced
      - c. Onset of nystagmus prior to 45 degrees
        1. Point where eye first begins bouncing
          - a. Estimating a 45 degree angle
    2. Administrative Procedures
      - a. Check for eyeglasses/contacts
      - b. Give verbal commands/instructions
      - c. Position stimulus (12-15inches)

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- d. Check for equal pupil size and resting nystagmus
- e. Check for equal tracking
- f. Lack of smooth pursuit
- g. Distinct and sustained nystagmus at maximum deviation
- h. Onset of nystagmus prior to 45 degrees
- i. Total the clues
- j. Check for vertical gaze nystagmus
- d. Vertical Gaze Nystagmus
- 4. Walk And Turn (WAT)
  - a. Eight Clues
    - 1. Starts too soon
    - 2. Loses balance
    - 3. Stops walking
    - 4. Misses heel to toe
    - 5. Steps off line
    - 6. Uses arms for balance
    - 7. Improper turn
    - 8. Wrong number of steps
  - b. Administrative Procedures
    - 1. Have suspect assume heel to toe stance
    - 2. Explain and demonstrate test to subject
- 5. One Leg Stand (OLS)
  - a. Four Clues
    - 1. Sways while balancing
    - 2. Uses arms for balance
    - 3. Hopping
    - 4. Puts foot down\
  - b. Administrative Procedures
    - 1. Explain and demonstrate test to subject
- 6. Results of Combining HGN and WAT
  - a. HGN
    - 1. Four or more clues present
  - b. WAT
    - 1. Two or more clues present
  - c. 80% of the time suspect will have a BAC of .10% or greater based on research
- 7. Note-taking
  - a. Importance of field note-taking
    - 1. Observations are short lived evidence
    - 2. Taking field notes allows officers to document all evidence observed whether by sight, smell, sound, etc.
- B. Session IX – Demonstration of Three Test Battery
  - 1. Instructor Demonstrations
  - 2. Student Demonstrations
  - 3. Video Demonstration
- C. Session X – “Dry Run” Practice

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1. Students practice administering and performing SFSTs
- D. Session XI – Dry Lab (video presentation)
  1. Use of field arrest log
- E. Session XII – Processing the Arrested Suspect and Preparation for Trial
  1. Processing Phase
    - a. Procedures dealing with suspect contact/control
    - b. Officer Safety
    - c. SFSTs
    - d. Chemical test
    - e. Etc
  2. Sample Narrative/guidelines
  3. Case Preparation
    - a. Review reports/evidence
    - b. Deputy District Attorney Presentation
- F. Session XIII – Report Writing Exercise and Moot Court
  - a. Video Presentation
  - b. Report Writing Exercise
  - c. Moot Court Exercise
- G. Session XIV – Not doing “Wet Lab”
- H. Session XV – Review and Proficiency Exam
  1. Review of materials and 3 test battery
  2. Student Proficiency Exam of 3 test battery
- I. Session XVI – Written Exam/Conclusion