

# Session 9



## Test Battery Demonstrations



Session 9 - Test Battery Demonstrations

## Learning Objective

- **Demonstrate the appropriate administrative procedures for the Standardized Field Sobriety Testing Battery**

DWI Detection and Standardized Field Sobriety Testing 9-2

***Briefly review the objective, content and activities of this session.***

Upon successfully completing this session the participant will be able to:

- Demonstrate the appropriate administrative procedures for the Standardized Field Sobriety Testing Battery.

#### CONTENT SEGMENTS

A. Live Classroom Demonstrations

#### LEARNING ACTIVITIES

Instructor Led Presentation



***Explain that in this session, participants will have the opportunity to observe several demonstrations of the three Standardized Field Sobriety Tests. The instructors will conduct some of these demonstrations. Other demonstrations will be provided on video.***

Session 9 - Test Battery Demonstrations

## Instructor Led Demonstrations

Three tests:

- Horizontal and Vertical Gaze Nystagmus
- Walk and Turn
- One Leg Stand



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### A. Live Classroom Demonstrations

#### *Instructor Led Demonstrations*

*Carefully articulate all verbal instructions and physical demonstrations.*

*Choose a participant subject.*

*Administer the three tests to the participant subject, in sequence.*

- *Horizontal and Vertical Gaze Nystagmus*
- *Walk and Turn*
- *One Leg Stand*



*Discuss participant subject's test performances. Choose a second participant subject, and repeat the sequence of test administrations.*

Session 9 - Test Battery Demonstrations

## Participant Led Demonstration

Three tests:

- Horizontal and Vertical Gaze Nystagmus
- Walk and Turn
- One Leg Stand



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### *Participant Led Demonstration*

***Choose a participant to serve as the test demonstrator.***



***Choose another participant to serve as the test subject.***

- ***Horizontal and Vertical Gaze Nystagmus***
- ***Walk and Turn***
- ***One Leg Stand***

***Monitor and critique demonstrator's administration of the three tests.***

Session 9 - Test Battery Demonstrations

# QUESTIONS?



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***Solicit and answer participant questions concerning SFST administrative procedures.***

Session 10 - "Dry Run" Practice Session

50 Minutes

# Session 10

## "Dry Run" Practice Session





DWI Detection and Standardized Field Sobriety Testing

Session 10 - "Dry Run" Practice Session

## Learning Objective

**Demonstrate the appropriate administration of the three Standardized Field Sobriety Tests**

DWI Detection and Standardized Field Sobriety Testing 10-2

***Briefly review the objective, content and activities of this session.***

Upon successfully completing this session the Participant will be able to:

- Demonstrate the proper administration of the three Standardized Field Sobriety Tests.

### CONTENT SEGMENTS

- Procedures and Group Assignments
- Live Administration of SFST Battery
- Hands on Practice

### LEARNING ACTIVITIES

- Instructor Led Presentation  
Participant Practice Session  
Instructor Led Presentation

***Explain that Participants will work with each other taking turns administering the Standardized Field Sobriety Tests to each other. When they are not administering a test or serving as the test subject, they will be expected to observe the test administrator and subsequently help critique their performance.***



***The Participant Performance Checklist should be used to help you monitor a fellow Participant's performance as a test administrator.***

Session 10 - "Dry Run" Practice Session

## Procedures and Group Assignments

**Practice procedures**

- **Horizontal and Vertical Gaze Nystagmus**
- **Walk and Turn**
- **One Leg Stand**
- **Participants record each other's performance**

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10-3

### **A. Procedures and Group Assignments**

***Assign Participant to work in teams of three or four. Make team assignments. Each Participant will conduct a complete series of tests, using a fellow team member as a subject. Make sure that all participants understand the practice procedures:***

- ***Horizontal and Vertical Gaze Nystagmus***
- ***Walk and Turn***
- ***One Leg Stand***

***Team members who are not immediately participating in a series of tests (either as test administrator or as test subject) are expected to take notes on test administrator's performance, and to offer constructive criticism.***

***Once one team member has administered a complete series of tests, other members of the team follow in turn.***

***Participants should use the checklist to record each other's performance.***

***Practice is to continue until every participant has administered a complete series of the three tests at least once.***



Session 10 - "Dry Run" Practice Session

# SFST Battery Live Administration

Participants observe technique and  
scoring only



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## **B. Live Administration of SFST Battery**

***Instructor conducts the three Standardized Field Sobriety Tests on an instructor. Participants observe technique and scoring only.***

Session 10 - "Dry Run" Practice Session

# Hands on Practice

## "Dry run" practice procedures



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10-5



### C. Hands on Practice

Participants carry out "dry run" practice procedures.

Instructors circulate among teams to observe and coach Participants' performance, as necessary.

Session 10 - "Dry Run" Practice Session

# QUESTIONS?



DWI Detection and Standardized Field Sobriety Testing



10-6

Session 11 - "Testing Subjects" Practice First Session

2 Hours

# Session 11

## "Testing Subjects" Practice: First Session





DWI Detection and Standardized Field Sobriety Testing

Session 11 - "Testing Subjects" Practice First Session

## Learning Objectives

- Properly administer the SFSTs
- Properly observe and record subject's performance utilizing the standard note taking guide
- Properly interpret the subject's performance
- Proper use and maintenance of the SFST Field Arrest Log

DWI Detection and Standardized Field Sobriety Testing

11-2

***Briefly review the objectives, content and activities of this session.***

Upon successfully completing this session the participant will be able to:

- Properly administer the SFST's
- Properly observe and record subject's performance utilizing the standard note taking guide
- Properly interpret the subject's performance
- Properly use and maintain the SFST Field Arrest Log

### CONTENT SEGMENTS

- A. Procedures
- B. Hands on Practice
- C. Use and Maintenance of SFST Field Arrest Log
- D. Session Wrap Up

### LEARNING ACTIVITIES

- Instructor Led Presentations
- Participant Practice Session
- Instructor Led Presentation
- Instructor Led Discussion



***Explain that participants will work as teams to administer Standardized Field Sobriety Tests to volunteers who have consumed alcoholic beverages. Some of these volunteers will have BACs above 0.08. Others will be below that level. Participants will carefully note and record the volunteers' performance, and attempt to distinguish those above 0.08 from those below 0.08.***

***Participants will also learn to record observations on a SFST Field Arrest Log.***

Session 11 - "Testing Subjects" Practice First Session

## Procedures

- Same teams as dry run
- Each team member administers one complete series of tests to at least one drinking volunteer
- Prepare descriptive written test record on each volunteer tested
- Other team members observe and record performance

DWI Detection and Standardized Field Sobriety Testing

11-3

### A. Procedures

***Participants work in the same teams that were constituted for the Dry Run Practice Session.***

***Make sure that all participants understand the practice procedures. Each team will test at least as many drinking volunteers as the team has members.***

- ***Example: If a team has four members, that team will administer a complete set of tests to at least four volunteers.***

***Each team member will administer one complete series of tests to at least one drinking volunteer. If time permits, teams will test additional volunteers.***



- ***Emphasize that each team is to prepare a descriptive, written test record on each volunteer tested (using the standard note taking guide).***

***While one participant is administering tests to a volunteer, the other team members will observe and record the volunteer's performance.***

Session 11 - "Testing Subjects" Practice First Session

## Procedures (Cont.)

- **Escort volunteer to the next scheduled team**
- **When segment is complete, volunteers are escorted to breath testing station**
- **BACs announced during "wrap-up"**

DWI Detection and Standardized Field Sobriety Testing 11-4

***As soon as the team has completed the SFSTs on a particular volunteer, the volunteer must be escorted by a monitor to the next scheduled team.***

***Define the sequence in which volunteers will circulate among teams.***

***Upon termination of this practice segment, monitors will escort the volunteer subjects to the breath testing station.***

***Emphasize that teams will not be informed of the volunteers' BACs until the session "Wrap Up".***

### **B. Hands on Practice**

***Participants carry out the "drinking subjects" practice procedures.***

***Instructors circulate among teams to observe and coach participant performance, as necessary.***

***Upon completion of practice, teams escort volunteers to the Breath Testing Station.***

***Teams return to classroom to complete report writing assignment. An instructor records the BACs of the volunteer.***

Session 11 - "Testing Subjects" Practice First Session

## SFST Field Arrest Log



**SFST Field Arrest Log**

Date	Name	HGN	WAT	OLS	BAC +/- .08	Arrest Not Arrest	Measured BAC	Remarks

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11-5

**C. Use and Maintenance of SFST Field Arrest Log (IACP strongly recommends the use of this log)**

***If options using video subjects are used, maintaining the SFST Field Arrest Log is strongly recommended. (Sessions 11-A or 14-A)***

The SFST Field Arrest Log is used to record the results of the SFSTs performed on suspected impaired subjects.

***Point out log should be used to record the results of all SFSTs administered.***

***Emphasize: The logs may be used as evidence in court.***



This log is important in documenting an officer's experience and proficiency in performing and interpreting SFSTs.



Session 11 - "Testing Subjects" Practice First Session

## SFST Field Arrest Log Components

- The actual date the SFSTs were administered
- Subject's full name
- Results of each SFST test



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This log has the following components:

- The actual date the SFSTs were administered
- Subject's full name
- Results of each SFST test

***Direct participants to transfer their documentation from the note taking guide to the log:***



- Classification of BAC as above or below 0.08 BAC
- Arrest/Not Arrest
- Subject's measured BAC (if available)
- Remarks

*Utilization of Log*

Session 11 - "Testing Subjects" Practice First Session

## Team Reports

- Volunteer observations
- Record results
- Comments?
- Questions?
- Observations?



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### **D. Session Wrap Up**

***Teams report their observations of volunteers.***

***Solicit SFST results on each volunteer. Record results on dry erase board (See sample chalkboard array on next page).***



***Instructor notifies participants of volunteers' BACs, as obtained during the breath tests.***

***Write BACs next to volunteers' names or code letters on the dry erase board.***

***Solicit participant comments, questions or observations concerning the relationship between volunteers' BACs and their performances on the tests.***

Session 11 - "Testing Subjects" Practice First Session

# QUESTIONS?



DWI Detection and Standardized Field Sobriety Testing

11-8

**SAMPLE DRY ERASE BOARD ARRAY FOR  
TABULATING RESULTS**

"Designated Subjects"	Horizontal Gaze Nystagmus	Walk and Turn	One Leg Stand	Arrest ?
"A"				
"B"				
"C"				
"D"				
"E"				
"F"				
"G"				

“H”				
“I”				
“J”				

**SFST FIELD ARREST LOG**



Date	Name	HGN	WAT	OLS	BAC +/- .08	Arrest Not Arrest	Measured BAC	Remarks

Session 11 - "Testing Subjects" Practice First Session

2 Hours

# Session 11-A

## Video Workshop First Session





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Session 11 - "Testing Subjects" Practice First Session

## Learning Objectives

- Properly administer the SFSTs
- Properly observe and record subject's performance utilizing the standard note taking guide
- Properly interpret the subject's performance
- Proper use and maintenance of the SFST Field Arrest Log

DWI Detection and Standardized Field Sobriety Testing

11A-2

***Briefly review the objectives, content and activities of this session.***

Upon successfully completing this session the participant will be able to:

- Properly administer the SFST's
- Properly observe and record subject's performance utilizing the standard note taking guide
- Properly interpret the subject's performance
- Properly use and maintain the SFST Field Arrest Log

#### CONTENT SEGMENTS

- A. Procedures
- B. Hands on Practice
- C. Use and Maintenance of SFST Field Arrest Log
- D. Session Wrap Up

#### LEARNING ACTIVITIES

- Instructor Led Presentations
- Participant Practice Session
- Instructor Led Presentation
- Instructor Led Discussion

***Explain that participants will view the administration of Standardized Field Sobriety Tests to volunteers who have consumed alcoholic beverages. Some of these volunteers will have BACs above 0.08. Others will be below that level. Participants will carefully note and record the video subjects' performance, and attempt to distinguish those above 0.08 from those below 0.08.***



***Participants will also learn to record observations on a SFST Field Arrest Log.***



Session 11 - "Testing Subjects" Practice First Session

## Procedures

- Same teams as dry run
- Each subject will be viewed performing all three tasks
- Only one opportunity to view each subject
- Record the number of clues observed in the appropriate boxes on video score worksheet

DWI Detection and Standardized Field Sobriety Testing

11A-3

### A. Procedures

***Participants work in the same teams that were constituted for the Dry Run Practice Session.***

***Make sure that all participants understand the practice procedures.***

***Distribute video score sheets, have participants fill in their name and team number.***

***Have sufficient copies of handout 11-A available (Minimum of eight copies per student).***

***Advise participants that each subject will be viewed performing all three tasks, Pauses are provided between each test to allow participants to record observed clues.***



***Point out that participants will have only one chance to view each subject. Review can be conducted after the "wrap-up."***

***Participants shall record the number of clues observed, in the boxes located opposite each test.***

Session 11 - "Testing Subjects" Practice First Session

## Procedures (Cont.)

- **Class will be divided into two groups**
- **One half will watch video subjects**
- **Other half will practice administration of SFSTs**
- **At conclusion of video, participants will switch roles**

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11A-4

### **B. Hands on Practice**

***Divide class into two groups.***

***Each team member will administer a complete SFST batter on another student under the direct supervision of an instructor.***

***It is recommended that half the class perform the SFSTs under the direction of instructor while the remainder of the class views, records, and interprets the NHTSA/IACP approved videos for this session. Once completed, the groups switch roles.***

***EACH team member viewing the videos must determine if the subject should or should not be arrested.***

***Emphasize that each officer is to prepare a descriptive, written test record on each video subject, using the standard note-taking guide.***

***Emphasize that teams will not be informed of the volunteer's BACs until the session "Wrap-up."***

***If time permits, participants will administer additional tests to each other.***

Session 11 - "Testing Subjects" Practice First Session

## SFST Field Arrest Log



The image shows a blue SFST Field Arrest Log form with a table. The table has 10 columns: Date, Name, HGN, WAT, OLS, BAC +/- .08, Arrest Not Arrest, Measured BAC, and Remarks. There are 10 rows for data entry. The form also includes the IACP logo, NHTSA logo, and the text 'DWI Detection and Standardized Field Sobriety Testing'.

DWI Detection and Standardized Field Sobriety Testing

NHTSA  
www.nhtsa.gov

11A-5

**C. Use and Maintenance of SFST Field Arrest Log (IACP strongly recommends the use of this log)**

***If options using video subjects are used, maintaining the SFST Field Arrest Log is strongly recommended. (Sessions 11-A or 14-A)***

The SFST Field Arrest Log is used to record the results of the SFSTs performed on suspected impaired subjects.

***Point out log should be used to record the results of all SFSTs administered.***



***Emphasize: The logs may be used as evidence in court.***

This log is important in documenting an officer's experience and proficiency in performing and interpreting SFSTs.

Session 11 - "Testing Subjects" Practice First Session

## SFST Field Arrest Log Components

- The actual date the SFSTs were administered
- Subject's full name
- Results of each SFST test

DWI Detection and Standardized Field Sobriety Testing

11A-6

This log has the following components:

- The actual date the SFSTs were administered
- Subject's full name
- Results of each SFST test

***Direct participants to transfer their documentation from the note taking guide to the log:***



- Classification of BAC as above or below 0.08 BAC
- Arrest/Not Arrest
- Subject's measured BAC (if available)
- Remarks

*Utilization of Log*

Session 11 - "Testing Subjects" Practice First Session

## Team Reports

- Video subject observations
- Record results
- Comments?
- Questions?
- Observations?



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### **D. Session Wrap Up**

***Teams report their observations of video subjects.***

***Solicit SFST results on each video subject. Record results on dry erase board (See sample dry-erase board array on next page).***



***Instructor notifies participants of video subjects' BACs.***

***Write BACs next to video subjects' names or code letters on the dry erase board.***

***Solicit participant comments, questions or observations concerning the relationship between video subjects' BACs and their performances on the tests.***

Session 11 - "Testing Subjects" Practice First Session

# QUESTIONS?



DWI Detection and Standardized Field Sobriety Testing

11A-8

***Solicit participant comments, questions or observations concerning the relationship between video subjects' BACs and their performances on the tests.***

**VIDEO SCORE SHEET - SESSION XI-A**

SUSPECT'S NAME: \_\_\_\_\_ OFFICER'S NAME: \_\_\_\_\_

Pupil Size: Equal            Unequal	Tracking: Equal    Unequal		Unequal Pupil Size: Explain:
Resting Nystagmus Yes            No	Eyelids: Normal    Droopy		
Lack Of Smooth Pursuit	Left Eye	Right Eye	Vertical Nystagmus Yes    No
Distinct Nystagmus At Maximum Deviation			Eyes: Normal Bloodshot Watery
Onset Of Nystagmus Prior To 45 Degrees			

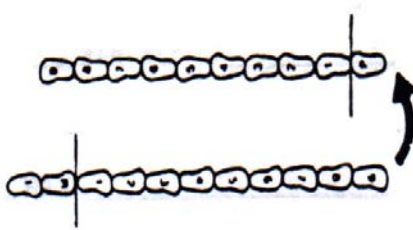
**HGN CLUES**

Observed	Actual

**WALK AND TURN TEST**

Cannot keep balance \_\_\_\_\_  
Starts too soon \_\_\_\_\_

**WALK AND TURN**



- Stops Walking
- Misses Heel-to-Toe
- Steps Off Line
- Raises Arms
- Actual Steps Taken

1<sup>st</sup> Nine    2<sup>nd</sup> Nine


Observed	Actual

Improper Turn (Describe)	Cannot Do Test (explain)
--------------------------	--------------------------

<b>Team Information</b>
Team No: _____
Arrest Decision: Yes: _____ No: _____
BAC: Above 0.10: _____ Below 0.10: _____ Above 0.08: _____ Below 0.08: _____

<b>ONE LEG STAND</b>	
L	R
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
	Sways while balancing. Uses arms to balance. Hopping. Puts foot down.

**ONE LEG STAND**

Observed	Actual

Standardized Field Sobriety Testing  
Option Video  
Subject Results

<b>CD/Video Day 1</b>		
Subjects Name: <b>Bob</b>		BAC: <b>.155</b>
HGN Clues	<b>6</b>	Lack of smooth pursuit present in each eye, Distinct and sustained nystagmus and maximum deviation present in each eye, Onset of nystagmus present in each eye, vertical nystagmus present in each eye.
W & T	<b>2</b>	Missed heel to toe, uses arms for balance.
OLS	<b>0</b>	None
Teaching points/Comments: Left leg is slightly bent, which will improve the subject ability to perform the test without demonstrating clues.		

<b>CD/Video Day 1</b>		
Subjects Name: <b>Brandon</b>		BAC: <b>.073</b>
HGN Clues	<b>4</b>	Lack of smooth pursuit in each eye, Distinct and sustained nystagmus at maximum deviation present in each eye.
W & T	<b>3</b>	Loses balance during instructional stage, Used arms to balance, Stopped walking.
OLS	<b>0</b>	None
Teaching points/Comments: None		

<b>CD/Video Day 1</b>		
Subjects Name: <b>Jason</b>		BAC: <b>.000</b>
HGN Clues	<b>0</b>	None
W & T	<b>0</b>	None
OLS	<b>0</b>	None
Teaching points/Comments: None/Placebo		



<b>CD/Video Day 1</b>		
Subjects Name: <b>Carl</b>		BAC: <b>.134</b>
HGN Clues	<b>5</b>	Lack of smooth pursuit in each eye, Distinct and sustained nystagmus at maximum deviation in each eye, Onset of nystagmus in left eye only.
W & T	<b>4</b>	Lost balance during instructional stage, Uses arms for balance, Stepped off line, Misses heel to toe.
OLS	<b>1</b>	Swaying
Teaching points/Comments: Subject looked beyond stimulus at maximum deviation , not allowing clue to be observed in that eye.		

<b>CD/Video Day 1</b>		
Subjects Name: <b>Suzanne</b>		BAC: <b>.074</b>
HGN Clues	<b>4</b>	Lack of smooth pursuit in each eye, Distinct and sustained nystagmus at maximum deviation in each eye.
W & T	<b>0</b>	None
OLS	<b>1</b>	Hopping
Teaching points/Comments: Give opportunity to remove shoes, especially those with high heels		

<b>CD/Video Day 1</b>		
Subjects Name: <b>Christina</b>		BAC: <b>.093</b>
HGN Clues	<b>5</b>	Lack of smooth pursuit in each eye, Distinct and sustained nystagmus at maximum deviation in each eye, Onset of nystagmus in right eye. Vertical nystagmus present.
W & T	<b>3</b>	Stepped off line, Uses arms for balance, Stopped while walking.
OLS	<b>1</b>	Swaying
Teaching points/Comments: None		

<b>CD/Video Day 1</b>		
Subjects Name: <b><u>Keith</u></b>		BAC: <b><u>.140</u></b>
HGN Clues	<b>6</b>	Lack of smooth pursuit in each eye, Distinct and sustained nystagmus at maximum deviation present in each eye, Onset of nystagmus present in each eye.
W & T	<b>4</b>	Lost balance during instructional stage, Uses arms for balance, Steps offline, Misses heel to toe.
OLS	<b>3</b>	Sways, Puts foot down, Uses arms for balance, Stopped test
Teaching points/Comments: Consider stopping the psychophysical tests for the safety of the subject.		

<b>CD/Video Day 1</b>		
Subjects Name: <b><u>Josh</u></b>		BAC: <b><u>.132</u></b>
HGN Clues	<b>6</b>	Lack of smooth pursuit present in each eye, Distinct and sustained nystagmus at maximum deviation present in each eye, onset of nystagmus present in each eye.
W & T	<b>2</b>	Stepped off line, Misses heel to toe.
OLS	<b>0</b>	None
Teaching points/Comments: None		

000514

# Session 12



## Processing the Arrested Subject and Preparation for Trial



Session 12 - Processing the Arrested Subject and Preparation for Trial

## Learning Objectives

- **Discuss the importance of correct processing and report writing procedures in DWI arrests**
- **Discuss the correct sequence of DWI processing procedures**

DWI Detection and Standardized Field Sobriety Testing 12-2

***Briefly review the objectives, content and activities of this session.***

- Discuss the importance of correct processing and report writing procedures in DWI arrests
- Discuss the correct sequence of DWI processing procedures

CONTENT SEGMENTS

- A. The Processing Phase
- B. Narrative DWI Arrest Report
- C. Case Preparation and Pretrial Conference
- D. Guidelines for Direct Testimony

LEARNING ACTIVITIES



- Instructor Led Presentations
- Video Presentation
- Interactive Discussion
- Instructor Led Demonstrations
- Participant Presentations

The foundation for preparation and successful testimony is the relationship between the law enforcement officer(s) involved with the arrest and the prosecuting attorney(s) associated with the case. Effective communication and a clear understanding of each group's objectives and expectations is essential for successful prosecution.

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Learning Objectives (Cont.)

- Discuss the essential elements of the DWI arrest report
- Discuss the importance of pretrial Conferences and presentation of evidence in the DWI trial



DWI Detection and Standardized Field Sobriety Testing 12-3

***Briefly review the objectives, content and activities of this session.***



- Discuss the essential elements of the DWI arrest report
- Discuss the importance of pretrial conferences and presentation of evidence in the DWI trial

You, as the state's primary witness, play an important part in illustrating to the judge/jury the impairment of the defendant. In addition to verbal testimony, visual aids are often helpful in painting the picture of the entire DWI detection process. Visual aids engage the judge/jury and increase the retention of information. In addition, it is important that you do not use legal, law enforcement or medical terms unless absolutely necessary. The use of plain English assists the judge, jury and others involved in the case to understand the specifics of all the testimony.

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Foundation for Successful Testimony

- **Relationship between the law enforcement officer(s) involved with the arrest and the prosecuting attorney(s)**
- **Communication**



DWI Detection and Standardized Field Sobriety Testing 12-4

### **A. The Processing Phase**



The foundation for preparation and successful testimony is the relationship between the law enforcement officer(s) involved with the arrest and the prosecuting attorney(s) associated with the case. Effective communication and a clear understanding of each group's objectives and expectations is essential for successful prosecution.

You, as the state's primary witness, play an important part in illustrating to the judge/jury the impairment of the defendant. In addition to verbal testimony, visual aids are often helpful in painting the picture of the entire DWI detection process. Visual aids engage the judge/jury and increase the retention of information. In addition, it is important that you do not use legal, law enforcement or medical terms unless absolutely necessary. The use of plain English assists the judge, jury and others involved in the case to understand the specifics of all the testimony.

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Testimony

- **Be prepared to speak to the evidence**
- **Take time**
- **Listen**
- **Organize your response before answering questions**



DWI Detection and Standardized Field Sobriety Testing 12-5

Since testimony constitutes the majority of time spent in trial, it is imperative that in addition to effective communication techniques, the witness be well prepared to speak to the evidence related to the case. Direct examination is your opportunity to tell the story. It should be an exchange between the prosecutor and the law enforcement officer. Take the time to think and make sure that you completely understand the question and organize your response before you answer. NEVER answer a question that you do not fully understand. Cross examination is NOT the time to showboat. Always, listen carefully to the question and again make sure you completely understand the question before you answer. If you do not understand the question, ask for clarification. If you are not able to fully understand the question during direct or cross examination, it is acceptable to say "I do not know," "I cannot answer that question" or "I cannot answer that question without further explanation." Always make sure you listen closely to the question and don't answer a question you don't understand.



**Remember: When it comes to successful testimony, there is NO substitution for preparation.**



Session 12 - Processing the Arrested Subject and Preparation for Trial

## Successful Prosecution

- **Organize and present relevant evidence on each element of the DWI violation**
- **All evidence must be compiled during the three phases of detection**
  - **Vehicle in motion**
  - **Personal contact**
  - **Pre-arrest screening**



DWI Detection and Standardized Field Sobriety Testing 12-6

The successful prosecution of a DWI case often depends upon the officer's ability to organize and present all relevant evidence of each element of the DWI violation. Keep in mind that virtually all of this evidence must be compiled during the three phases of detection -- vehicle in motion, personal contact, and pre-arrest screening. The officer must be able to establish the level of impairment at the time that the violation occurred, therefore, observations are critical. Subsequent evidence of impairment, such as chemical test result(s) and/or the evidence gathered during a drug evaluation, will be admissible only when a proper arrest has been made. The efforts expended in detecting, apprehending, investigating and testing/evaluating the DWI offender will be of little value if there is not sufficient evidence to prove every element of the violation.



No matter how much evidence you collect, if it is not presented clearly, completely, and convincingly in court, the case may be lost. Therefore, it is essential that officers develop the ability to write a clear, complete, and concise report describing their observations and results. Additionally, the officer must be able to articulate that information to the judge/jury.

***Ask the class to suggest types of evidence that would likely be important in a DWI arrest. After most examples have been elicited, show slide.***

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Types of Evidence

- **Physical evidence**
- **Established facts**
- **Illustrative evidence**
- **Demonstrative evidence**
- **Written documentation**
- **Testimony**



DWI Detection and Standardized Field Sobriety Testing 12-7



Evidence of a DWI violation may be of various types:

- **Physical (or real) evidence:** something tangible, visible, audible (e.g. a blood sample or a partially empty can of beer).
- **Well established facts** (e.g. judicial notice of accuracy of the breath test device when proper procedures are followed).
- **Illustrative evidence:** visual aids (e.g., photo of the crash scene, defendant, or diagram of the roadway).
- **Demonstrative evidence:** demonstrations performed in courtroom (e.g., SFSTs or other field sobriety tests).
- **Written documentation** (e.g. the citation, the alcohol influence report, the drug evaluation report, evidential chemical test results, etc.).
- **Testimony** (the officer's verbal description of what was seen, heard, smelled, etc.).

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Prosecutor

- **Must be able to establish and prove every element of the offense**
- **Must establish proper procedures were followed, including:**
  - **Reasonable suspicion or another valid reason for stopping/contacting the driver**

DWI Detection and Standardized Field Sobriety Testing 12-8

The prosecutor must be able to establish and prove every element of the offense. The prosecutor also must establish that the proper procedures were followed, including:

There was a reasonable suspicion or another valid reason for stopping/contacting the driver.

***Remind participants the definition of reasonable suspicion is “Less than probable cause but more than mere suspicion; exists when an officer, in light of his or her training and experience, reasonably believes and can articulate that criminal activity is taking, has taken or is about to take place”.***

***Discuss with participants state specific definitions.***

***The driver was operating or in actual physical control of the vehicle.***



***There was probable cause to arrest the driver.***

***Remind participants the definition of probable cause - “More than mere suspicion; facts and circumstances within the officer’s knowledge, and of which he or she has reasonably trustworthy information, are sufficient to warrant a person of reasonable caution to believe that an offense has been or is being committed”.***

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Proper Arrest Procedures Followed

- Arrest procedures were followed
- Regard was given to the defendant's Miranda rights
- Subsequent observations/interview of the defendant provided additional evidence relevant to the offense
- Request for a chemical test



DWI Detection and Standardized Field Sobriety Testing 12-9

- *Proper arrest procedures were followed.*
- *Proper regard was given to the defendant's Miranda rights.*
- *Subsequent observations/interview of the defendant provided additional evidence relevant to the offense.*
- *There was a proper request for a chemical test.*

The prosecutor's case will largely be based upon the thoroughness of the officer's investigation and the clarity of his/her testimony.



While it is true that many items which are critical to the prosecution are documented on special forms, the officer must keep in mind that the prosecutor may not have the time to search out relevant facts. The decision may be made to amend, reduce, or even dismiss the case on the basis of the arrest report alone.

It is essential that the report clearly, completely, and accurately describe the total sequence of events from the point the driver was first observed, through the arrest, the chemical test, and subsequent release or incarceration.

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Guidelines for Note Taking

- **Recognition and retention of facts that establish reasonable suspicion to stop, investigate further, and have probable cause to arrest**
- **Detection evidence must establish each element of the violation**
- **Recognize and recall facts and circumstances**
- **Rely on your own field notes**

DWI Detection and Standardized Field Sobriety Testing

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### *Guidelines for Note Taking*

One of the critical tasks in the DWI enforcement process is the recognition and retention of facts that establish reasonable suspicion to stop the driver, investigate further, and the probable cause to arrest persons for DWI. The evidence gathered during the detection process must establish each element of the violation and must be documented to support successful prosecution of the defendant. This evidence is largely sensory (see, smell, hear) in nature and therefore is extremely short lived.

Law enforcement officers must be able to recognize and act on facts and circumstances with which they are confronted. But the officer must also be able to recall those observations, and describe them clearly and convincingly, to secure a conviction. The officer is inundated with evidence of DWI (sights, sounds, smells, etc.) recognizes it, and bases the decision to stop, investigate and arrest on their observations.



Since evidence of a DWI violation is short lived, police officers need a system and tools for recording field notes at scenes of DWI investigations. Technological advances have made it possible to use audio, video, and digital recorders in the field. They provide an excellent means of documenting this short lived evidence. However, the vast majority of officers must rely on their own field notes.

One way of improving the effectiveness of field notes is to use a structured note taking guide. This type of form makes it very easy to record brief notes on each step of the detection process and ensures that vital evidence is documented. Field notes provide the information necessary for completion of required DWI report forms and assist the officer in preparing a written narrative of the investigation. Since they can be used to refresh the officer's memory, field notes could be useful if the officer is required to provide oral testimony.

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Processing Tasks

- Inform the driver that they are under arrest
- "Pat down" or frisk the defendant
- Handcuff the defendant
- Secure the defendant in the patrol vehicle
- Secure the defendant's vehicle, passengers, property



DWI Detection and Standardized Field Sobriety Testing 12-11

***Remind participants to become thoroughly familiar with their agency's guidelines for processing individuals. Ask a participant to suggest how a procedural error during the processing phase might cause some evidence to be ruled inadmissible.***

The Processing Phase of a DWI Enforcement incident is the bridge between arrest and conviction of a DWI offender. Processing involves the proper assembly and organization of all of the evidence obtained during the detection phase. This ensures that the evidence will be available and admissible in court. Processing also involves obtaining additional evidence, such as a chemical test or tests of the subject's breath, blood, etc.



Typically, the processing phase may involve the following tasks:

- Inform the driver that they are under arrest.
- "Pat down" or frisk the defendant.
- Handcuff the defendant.
- Secure the defendant in the patrol vehicle.
- Secure the defendant's vehicle, passengers, property.

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Processing Tasks (Cont.)

- **Transport the defendant to an appropriate facility**
- **Arrange for video recording (if applicable)**
- **Advise the defendant of rights and obligations under the implied consent law**
- **Administer the evidentiary chemical test(s)**



DWI Detection and Standardized Field Sobriety Testing




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- Transport the defendant to an appropriate facility.
- Arrange for video recording (if applicable).
- Advise the defendant of rights and obligations under the implied consent law.
- Administer the evidentiary chemical test(s).

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## Processing Tasks (Cont.)

- Advise the defendant of Constitutional Rights (Miranda Admonition)
- Interview the defendant
- Incarcerate or release the defendant
- Complete the required reports

DWI Detection and Standardized Field Sobriety Testing

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- Advise the defendant of Constitutional Rights (Miranda Admonition).
- Interview the defendant.
- Incarcerate or release the defendant.
- Complete the required reports.

***Video segment “Nighttime DWI Arrest”.***

***Hand out copies of DWI Investigation Field Note form. Show video segment “Nighttime DWI Arrest”. Allow participants 4 - 5 minutes to complete notes.***



***Inform participants the defendant is assumed to have demonstrated six clues of HGN.***



Session 12 - Processing the Arrested Subject and Preparation for Trial

## Essential Ingredients of Prosecution's Case

- Clarity and completeness of officer's observations
- Clear and concise report
- Reasonable grounds for arrest
- Proper arrest procedures
- Rights of accused
- Post-arrest evidence
- Proper request for chemical test(s)
- Chemical test result(s)



DWI Detection and Standardized Field Sobriety Testing 12-14

### **B. Narrative DWI Arrest Report**

Report writing is an essential skill for a police officer. Good report writing becomes second nature with practice. While there is no one best way to write an arrest report, it is critical that the report be detailed regarding every phase of the detection and arrest process. It is helpful to follow a simple format. Departmental policies and/or special instructions or requirements of the prosecutor provide some guidance.



**Point out that good report writing becomes second nature with practice.**

It is important for officers to understand the essential ingredients of the prosecution's case. Clarity and completeness of an officer's observations and relaying this information in a clear and concise report is critical. Additionally, an officer must be able to establish that he/she had reasonable grounds for the arrest and followed proper arrest procedures. Proper arrest procedures include advising the defendant of their constitutional rights and gathering additional post arrest evidence. The admissibility of chemical test evidence requires a proper request in accordance with your state's guidelines.

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Detection and Arrest

- During the detection officer must mentally note relevant facts to support the decision to arrest
- Facts are recorded in field notes
- Field notes can be used to refresh officer's memory when the formal arrest/narrative report is prepared
- Follow departmental policies



DWI Detection and Standardized Field Sobriety Testing 12-15

### *Detection and Arrest*

During the detection phase of the DWI arrest process, the arresting officer must mentally note relevant facts to support the decision to arrest.



These facts are then recorded in the form of field notes and can be used to refresh officer's memory when the formal arrest/narrative report is prepared.

***Point out that officers should be guided by departmental policies and/or instructions or requirements specified by the prosecutor.***

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Writing the Report

- **Initial observation**
- **Vehicle stop**
- **Contact with driver**
- **Driving or actual physical control**

DWI Detection and Standardized Field Sobriety Testing

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The following block outline format identifies some of the important components in a DWI arrest/narrative report:

**Initial Observations** - Describe your first observations of the driver's actions. What drew your attention to the vehicle/driver? Your first observations are important because they help establish your reasonable suspicion to stop. This should include details about the driving before you initiated the traffic stop. Be sure to record the time and location of the first event.

**Vehicle Stop** - Record any unusual actions taken by the driver. How did the driver react to the emergency light and/or siren? How far did the driver travel after emergency equipment was activated? How did the driver pull over? Was it a normal stop? Be detailed and specific.



**Contact With Driver** - Record your observations of the driver's personal appearance, condition of the eyes, speech, odors, inappropriate or inconsistent responses to questions, etc. Record the name and condition of passengers in the vehicle and where they were located. Describe any unusual actions taken by the driver or passengers.

**Driving or Actual Physical Control** - In some cases, you may not use the driving behavior as the basis for the contact. Your first contact could result from a crash investigation or a motorist assistance type of contact. Your observations and documentation must establish that the driver was operating or in actual physical control of the vehicle. You can use circumstantial evidence, such as seat belt marks, ownership of the vehicle, location of the keys, admissions, witness statements, etc. to establish this element.

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Writing the Report (Cont.)

- **Exit the vehicle**
- **SFSTs/Other field sobriety test**
- **Arrest**
- **Disposition of vehicle, people and property**
- **Transport defendant**

DWI Detection and Standardized Field Sobriety Testing

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Exit From Vehicle - Record your observations of the driver's exit from the vehicle and include any unusual actions taken by the driver. Be specific about how the driver exits the vehicle. For example: climbs out of the vehicle, uses the vehicle for support, leans on the vehicle, walks slowly and/or deliberately, stumbles, etc.

Standardized Field Sobriety Tests - This should include specific details about the validated clues noted during the test. It should also include all other observations made during the SFSTs such as: did not follow directions, how quickly or slowly the driver performed the test, etc.

***Include specific details about the clues observed. For example, missed heel to toe on steps 3, 4, and 5 by at least three inches each step, etc.***

Field Sobriety Tests - Describe the driver's actions when you administered other field sobriety tests. Be specific.

Arrest - Document the arrest decision and ensure that all elements of the violation have been accurately described.

Disposition/Location of Vehicle and Keys - Indicate where the vehicle was secured or towed and the location of the keys. If the vehicle was released to another party or was driven by a backup officer, record that fact.



Disposition of Passenger and/or Property - Ensure that passengers and property are properly cared for.

Transport of Defendant - Describe where the defendant was transported for evidential testing. Document time of departure and arrival. (This information can be obtained from the radio log). Note any spontaneous or voluntary comments made by the defendant.

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Writing the Report (Cont.)

- **Evidentiary test**
- **Implied consent/Miranda warning**
- **Witness' statements**
- **Notifications**
- **Citation/Complaint**
- **Incarceration or release**
- **Additional chemical test**

DWI Detection and Standardized Field Sobriety Testing 12-18

Evidentiary Test - Document which test(s) were administered and by whom. Be sure to include the evidential test(s).

Implied Consent/Miranda Warning - Document that the admonishments were given at the appropriate point in the investigation.

Witness' Statements - List all witnesses (including other officers), contact information, and attach copies of their statements (if any). Additionally, make notes of any verbal statements made by witnesses.

Notification of Defendant's Attorney or Other Party - Document the time and result of defendant's telephone call to an attorney or other party.

Citation/Complaint - Document that the traffic citation/complaint was issued at the appropriate time, if applicable.

Incarceration or Release - Document the time and place of incarceration or the name and address of the responsible party to whom the defendant was released. Be sure to record the time.



Additional Chemical Test - If the defendant is authorized to request additional chemical tests and does so, record the type of test, time administered, location, and party administering the test.

The foregoing list is not intended to be all inclusive. In many cases, several points may not be applicable and additional information not listed may apply.

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Writing the Report (Cont.)

- **Narrative does not have to be lengthy, but it must be detailed and accurate**
- **Successful prosecution depends on your ability to describe the events you observed**



DWI Detection and Standardized Field Sobriety Testing 12-19

***Point out that not every report will require all of the above components. Some may be missing or not relevant to a DWI investigation.***

***Briefly discuss each component.***

The narrative does not necessarily have to be lengthy, but it must be detailed and accurate. Remember, successful prosecution depends on your ability to describe the events you observed. Often a trial can be avoided (i.e., a defendant may plead guilty) when you do a thorough job in preparing your arrest report.

A sample report providing an example of the block outline format is at the end of this session.

***Solicit participants' questions concerning the narrative DWI arrest report elements.***

***Refer participants to sample report in their manual.***



***The following slides only include the validated clues of the SFSTs, however there are other observations of impairment that are evident in the video and included in the model report.***

Session 12 - Processing the Arrested Subject and Preparation for Trial

## DWI Incident Report

**Defendant: Eryn Greenfield Age:31**  
**Date of Arrest: 4-14-XX**  
**Time of Arrest: 9:20 PM**

- **Initial Observation:**
  - Defendant driving yellow Volkswagen
  - Driving without headlights
  - Right tires over solid fog line
  - Wide right turn
  - Struck curb when stopping
  - Four lane roadway, clear, breezy, traffic light



DWI Detection and Standardized Field Sobriety Testing

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### *DWI Incident Report*

Defendant: Eryn Greenfield, Age:31

Date of Arrest: 4-14-XX

Time of Arrest: 9:20 PM



#### Initial Observation:

- Defendant driving yellow Volkswagen
- Driving without headlights
- Right tires over solid fog line
- Wide right turn
- Struck curb when stopping
- Four lane roadway, clear, breezy, traffic light

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## Contact with Driver

- **Driver was sole occupant**
- **Passed over DL when looking**
- **Forgot to produce registration/insurance**
- **Odor of alcoholic beverage on breath, eyes red and watery**
- **Admissions of drinking**
- **Stumbled over curb**



DWI Detection and Standardized Field Sobriety Testing

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### *Contact with Driver*



- Driver was sole occupant
- Passed over DL when looking
- Forgot to produce registration/insurance
- Odor of alcoholic beverage on breath, eyes red and watery
- Admissions of drinking
- Stumbled over curb



Session 12 - Processing the Arrested Subject and Preparation for Trial

## Field Sobriety Tests

- **HGN – Lack of smooth pursuit, distinct nystagmus at maximum deviation, angle of onset prior to 45 degrees in both eyes**
- **Walk and Turn – Lost balance , raised arms for balance (2x), missed heel to toe, 10 steps, and improper turn**
- **One Leg Stand – Raised left leg, put foot down on 1006 and 1009, skipped 1017, raised right arm for balance, reached 1019 in 30 seconds**



DWI Detection and Standardized Field Sobriety Testing 12-22



### *Field Sobriety Tests*

- HGN – Lack of smooth pursuit, distinct nystagmus at maximum deviation, angle of onset prior to 45 degrees in both eyes
- Walk and Turn – Lost balance , raised arms for balance (2x), missed heel to toe, 10 steps, and improper turn
- One Leg Stand – Raised left leg, put foot down on 1006 and 1009, skipped 1017, raised right arm for balance, reached 1019 in 30 seconds

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Field Sobriety Tests (Cont.)

**Based on observations of the defendant's driving, physical appearance, and performance of standardized field sobriety tests, she was placed under arrest for DWI.**





DWI Detection and Standardized Field Sobriety Testing 12-23

***Emphasize that the defendant in a DWI case could be acquitted if the officer's testimony was not sufficient to establish probable cause or prove beyond a reasonable doubt that the defendant was impaired.***

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Case Preparation

- **Use field notes to document evidence**
- **Accurately note statements and other observations**
- **Review the case with other officers who witnessed the arrest**
- **Collect and preserve all physical evidence**
- **Prepare all required documents and a narrative report**

DWI Detection and Standardized Field Sobriety Testing

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### **C. Case Preparation and Pretrial Conference**

As was discussed earlier in Session 4, case preparation begins with your first observation and contact with the driver. It is essential that all relevant facts and evidence are mentally noted and later documented in field notes, narrative report, or other official forms.

#### *Guidelines for Case Preparation*



- Use field notes to document evidence.
- Accurately note statements and other observations.
- Review the case with other officers who witnessed the arrest or otherwise assisted you and write down relevant facts.
- Collect and preserve all physical evidence.
- Prepare all required documents and a narrative report.

***Briefly discuss the purpose, components, and the importance of a CV (Curriculum Vitae). Consider providing an example.***

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Report Consistency

- It is essential that all reports be consistent. Adequately explain differences
- Upon receipt of a subpoena or other notification of a trial date, review all records and reports to refresh your memory
- During discovery, list all evidence and properly document it

DWI Detection and Standardized Field Sobriety Testing

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Remember, it is essential that all reports be consistent. If differences occur, be sure to adequately explain them. The defense will try to impeach your testimony by pointing out seemingly minor inconsistencies.

***Point out that it is essential that reports are corroborative or when differences occur, that they be adequately explained. The defense will try to impeach your testimony over any inconsistencies.***

***Ask participants to identify relevant records/ reports to be reviewed. Probe until appropriate items are identified.***

### *Preparation for Trial*

Upon receipt of a subpoena or other notification of a trial date, review all records and reports to refresh your memory. If appropriate, revisit the scene of the arrest. Compare notes with assisting officers to ensure that all facts are clear.

During discovery, list all evidence and properly document it. Remember, evidence may be excluded if proper procedures are not followed.



***Point out that evidence will not be admitted if these procedures are not followed.***

Attention to detail is very important.

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Pretrial Conference

- **Be prepared**
- **Discuss all evidence/conclusions**
- **Identify strengths and issues**
- **Review potential questions**
- **Identify defense challenges**



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Successful prosecution is dependent upon the prosecutor's ability to present a clear and convincing case based on your testimony, physical evidence, and supporting evidence/testimony from other witnesses and/or experts.

***Point out to participants that a prosecutor should be able to elicit key points from an officer's testimony to bring out the facts necessary to convict the defendant.***

If at all possible, arrange a pretrial conference with the prosecutor. In preparation for the pretrial conference, you should review the entire case file. During the conference, discuss with the prosecutor all evidence and all basis for your conclusions. If there are strengths or issues in your case, bring them to the prosecutor's attention. Ask the prosecutor to review the questions that will be asked on the witness stand. Point out when you do not know the answer to a question. Ask the prosecutor to review questions and challenges the defense attorney may use. Make sure your Curriculum Vitae is current. Review your credentials and qualifications with the prosecutor.




If you cannot have a pretrial conference, try to identify the main points and weaknesses about the case, and be sure to discuss these with the prosecutor during the few minutes you will have just before the trial.

***Point out that there should be "no surprises" during the trial. Ask the participants to give examples of items to be discussed at a pretrial conference.***

***Point out that due to a variety of reasons, prosecutors are not able to have pre-trial conferences. That does not mean they are unconcerned. Try to see it from their viewpoint.***

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# Pretrial Conference



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***If time allows, show video segment “Pretrial Conference” (10 minutes).***



***Emphasize the importance of the discussion of a DWI case between the arresting officer and the prosecuting attorney prior to going to trial.***

***Solicit participant questions concerning the pretrial conference.***

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Direct Testimony

- **Describe in detail:**
  - **Case facts**
  - **All observations**
  - **SFSTs clues/observations**
- **Be professional**
- **Use plain language**
- **Make eye contact with judge/jury**
- **Repeat important points**

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### **D. Guidelines for Direct Testimony**

Your basic task is to establish the facts of the case:

That the subject was driving or in actual physical control of a vehicle on a highway or other specified location within the court's jurisdiction and was impaired by alcohol and/or other drugs.

In other words, to present evidence to establish reasonable suspicion for the stop, probable cause for the arrest, and conclusive evidence regarding every element of the offense.


***Point out that if officer testifies on subject matter that was excluded, it could result in suppression of the evidence or a mistrial.***

Describe in a clear, detailed, and convincing manner all relevant observations during the three detection phases and those subsequent to the arrest. Describe clearly how the defendant performed (e.g., "stepped off the line twice on steps 2 and 4, raised the arms on steps 5 and 7 going out and step 3 coming back, etc."). By presenting your observations clearly and convincingly, you will allow the fact of the defendant's impairment to speak for itself. Direct testimony should include all relevant information about this incident.

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## Direct Testimony (Cont.)

- Describe in detail:
  - Case facts
  - All observations
  - SFSTs clues/observations
- Be professional
- Use plain language
- Make eye contact with judge/jury
- Repeat important points



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Always keep in mind that juries typically focus on an officer's demeanor as much or more than on the content of the testimony. Strive to maintain your professionalism and impartiality. Be clear in your testimony; explain technical terms in layman's language; don't use jargon, abbreviations, acronyms, etc. Make eye contact with the judge/jury; they are the people you are trying to convince. Repeat important points and continued observations about the defendant.

***See Trial Tips and Techniques in Attachment A at the end of this session.***



***Solicit examples from the participants to include: bloodshot, watery eyes; odor of alcoholic beverage on breath, etc.***



Session 12 - Processing the Arrested Subject and Preparation for Trial

## Cross Examination

- Be polite
- Don't become agitated
- If you don't know the answer:
  - Don't guess
  - It is OK to say, "I don't know"



DWI Detection and Standardized Field Sobriety Testing 12-30

### *Cross Examination/Defense Challenges*

In many cases, you will be the key witness for the prosecution. Therefore, the defense will try very hard to cast doubt on your testimony.

***Remind participants that both sides have a different role in the case.***



Be polite and courteous. Do not become agitated in response to questions by the defense. Above all, if you don't know the answer to a question, say so. Don't guess at answers, or compromise your honesty in any way. Be professional and present evidence in a fair and impartial manner.

***Point out that officer should be polite and courteous during testimony...do not become agitated as a result of defense questions. Do not take personal issue with defense statements, stick to the facts.***

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Defense Challenges

- **Your observations/interpretations**
- **Your credentials**
- **Your credibility**
- **SFSTs**

DWI Detection and Standardized Field Sobriety Testing

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The defense will ask questions to challenge your observations and interpretations. For example, you may be asked whether the signs, symptoms and behaviors you observed of the defendant couldn't have been caused by an injury or illness, or by something other than the alcohol/drugs. You will be asked questions to create doubt about your observations. Answer these questions honestly, but carefully. If your observations are not consistent with an illness or injury, explain why not. Clearly testify that your opinion is based on everything that was observed during the DWI investigation.

The defense will attempt to challenge your credentials by asking questions to cast doubt on your formal training. They will ask questions to "trip you up" on technical or scientific issues. Answer all questions about your training and experience completely and accurately, but don't embellish. Answer scientific or technical questions only if you have been trained in that area.



***Point out that officers should not embellish their testimony...be careful not to open any doors for the defense.***

***Point out that the defense attorney's job is to try to create a "reasonable doubt." Don't take it personally.***

Session 12 - Processing the Arrested Subject and Preparation for Trial

## Defense Challenges (Cont.)

- Your observations/interpretations
- Your credentials
- Your credibility
- SFSTs



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The defense will ask questions to challenge your credibility. You may be asked several very similar questions in the hope that your answers will be inconsistent.

You may be asked questions designed to imply you had already formed your opinion before the defendant completed the field sobriety tests. Listen to the questions carefully and emphasize your arrest decision was made at the completion of your DWI investigation and based on ALL available evidence.

***Point out that if the defense can discredit your training and/or experience your testimony will have little "weight" with the jury.***



***Emphasize that arrest decisions should be based on the totality of the circumstances.***

You may be asked questions that suggest you deviated from your training. These questions may suggest you eliminated portions of the tests or gave incomplete or confusing instructions. One way you can refute these defense challenges is by administering the Standardized Field Sobriety Tests as you were trained. If deviations to the protocol occur, it is important to explain why. Standardization ensures both consistency and credibility.

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## Defense Challenges (Cont.)

- Your observations/interpretations
- Your credentials
- Your credibility
- SFSTs



DWI Detection and Standardized Field Sobriety Testing 12-33

***Point out that field sobriety tests should be administered according to the training.***

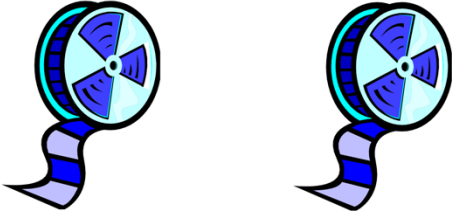


**Note: Avoid using “I didn’t do XYZ” versus “I couldn’t do XYZ.” If you deviated from the standard, “didn’t” implies it was your choice. “Couldn’t” implies that you had no choice (i.e., inclement weather, gross impairment of the defendant, the defendant was not cooperative, physical injury, geographical location, etc.).**

You may be asked questions that suggest the Standardized Field Sobriety Tests are not relevant. These questions will suggest that SFSTs have no relationship to driving. For example, a defense attorney may suggest that standing on one leg does not correlate with the ability to drive safely. The divided attention tests assess the same mental and physical capabilities that a person needs to drive safely. These include:

- Information processing
- Short term memory
- Judgment and decision making
- Balance
- Steady, sure reactions
- Clear vision
- Small muscle control
- Coordination of limbs

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## The Courtroom Testimony

DWI Detection and Standardized Field Sobriety Testing

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### ***Video segment "The Courtroom Testimony"***

***During this video segment, the prosecutor asks three important questions of the officer. Each question is followed by a stop sign icon.***

***Instructors are asked to solicit responses from the participants on how they would answer that question. Discussion can follow.***

### ***Video segment "DWI Courtroom Testimony"***

#### ***Video and discussion***

***If time allows, show the video segment of actual courtroom testimony in "DWI Courtroom Testimony" (15 minutes).***

***Emphasize the need for clear and convincing testimony.***

***Solicit participants' questions and comments concerning direct testimony.***

# QUESTIONS?



## TRIAL TIPS AND TECHNIQUES

### Courtroom Decorum

1. **TELL THE TRUTH.** Honesty is the best policy. Telling the truth requires a witness testify accurately as to what he knows. If you tell the truth and are accurate, you have nothing to fear on cross examination.
2. Provide your professional Curriculum Vitae to the prosecutor and, if requested, bring it to court with you.
3. **READ YOUR INCIDENT REPORT** prior to arrival at court. Go over the details and refresh your memory of the events of the arrest. If you cannot locate a copy of your report, ask the prosecutor prior to the court date.
4. Dress neatly and professionally; leave sunglasses, gloves, flashlight and other cumbersome equipment in your car before coming into the courtroom, unless needed for a demonstration.
5. Do not guess the answer to any question asked. It is OKAY to say “I don’t know” or “I can’t remember” in response to questions. Do not give the impression that you are guessing the answer by prefacing your response with “I think” or “I believe.” If you do not know the answer, it is okay to look at your report and refresh your memory. Always give definitive, positive, sure answers.
6. Listen carefully to the question asked. Do not begin your answer until the attorney has finished asking the question. Be sure you understand the question before you attempt to give an answer. It is appropriate if you don’t understand the question to say “I don’t understand your question.” If necessary, ask that the question be repeated or rephrased.
7. Take your time. Do not feel pressured to give a quick answer. Take time after the question is asked to think before you answer. After a question is asked, there may be an objection. When you hear the word, “objection,” stop testifying.
8. Answer the question that is asked, then stop. Do not volunteer information not asked. Explain an answer if you feel your answer appears ambiguous or incomplete. You are always permitted to explain your answer. Tell the prosecutor prior to your testimony if there is anything you feel they do not know about the case.
9. Always be professional in the courthouse. Jurors could be anywhere at any time.
10. Speak loud and clear so that you can be easily heard.

11. Look at the judge/jury when testifying. Always make eye contact with who you are trying to convince. During a bench trial, look at the judge. During a jury trial, look at the jury. This applies even when the attorney asking the question is not standing near the judge or jury box. Always talk to the judge or jury and maintain eye contact with them, even if it feels unnatural.
12. Always be courteous, even when the defense attorney is not. Control your emotions, and never allow yourself to be drawn into an argument. Remember, the best way to make a good impression with the judge/jury is to be courteous and professional. You were just doing your job during the arrest, and presenting the facts in court as they occurred.
13. Testify in plain language. Do not say, "The perpetrator exited the vehicle" when in reality "the defendant got out of his car." The person on trial is never a "lady" or "gentlemen," but is always "the defendant." Do not use military times without clarifying the time in laymen's terms. Do not use call signals. It makes more sense to the jury when you speak the same language they do.
14. It is the best practice to discuss the case with the prosecutor before trial. A defense attorney may ask if you've had a pretrial conference with the prosecutor. Tell the truth. Preparation for court is acceptable. Be straight forward in answering all questions.
15. Always tell the truth. No case is worth sacrificing your credibility.



### Specific DWI Trial Recommendations

1. Never give the numerical PBT reading of the defendant when asked by the prosecutor. However, if the defense attorney asks you for the NUMERICAL reading, give it to him/her. The prohibition of PBT results of a defendant do not apply to witnesses, such as passengers in the car.
2. Discuss with the prosecutor, pre-trial, whether or not to demonstrate how you conducted field sobriety tests. Be certain that you can do in court all the tests you asked the defendant to perform at the time of the arrest. If you cannot do them, the jury will not expect that the defendant could have done them properly.
3. Know the reasons for giving field sobriety tests:
  - They are **divided attention tests**, designed to detect when a person is impaired by alcohol and/or drugs.
  - They provide evidence of impairment in cases where the defendant refuses to take a chemical test under implied consent.
  - They prevent an arbitrary decision to arrest, and allow an officer to articulate the reasons for concluding that a driver was DWI.
4. If you testify to the accuracy of the field sobriety tests, make sure you know the studies, percentages, and their significance. Considered independently, the Nystagmus test was 88% accurate, the Walk and Turn, 79% accurate, and the One Leg Stand, 83% accurate in identifying subjects whose BAC were .08 or more.
5. Remember, you should not testify that the defendant passed or failed the SFSTs. The tests are not scored "pass" or "fail." You should testify if the defendant completed the tests as instructed. These tests simply identify impairment.

**SAMPLE DWI INCIDENT REPORT**

Defendant: Eryn Greenfield  
Age: 31  
Date of Birth: 10/03/XX  
Date of Arrest: XX-XX-XX  
Time of Arrest: 9:20 pm  
CA - D.L. #: CA 1234567

**First Observations:**

On XX-XX-XX at approximately 9:00 p.m., I was patrolling westbound on Reed Avenue at the intersection with Interstate 80 (fully marked CHP patrol vehicle #904534). I was stopped at the intersection preparing to make a left turn onto eastbound I-80. I observed a yellow Volkswagon (S/V) traveling down the eastbound I 80 exit ramp approaching the intersection with Reed Avenue. I noticed the S/V traveling with no headlights. I also noticed that the front right parking light was not working correctly. Furthermore, I noticed the right tires of the S/V travel over the solid white fog line on the exit ramp by approximately 2 feet. The S/V made a brief stop at the intersection, then made a right turn onto eastbound Reed Avenue without using a turn signal. I made a U turn and followed the S/V. The S/V then made a wide right turn from Reed Avenue onto southbound Riverpoint Drive without using a turn signal. An enforcement stop was initiated at which point the S/V began to pull to the right. At the point the right front tire of the S/V rubbed up onto the raised concrete curb that paralleled the roadway.

**Observations After The Stop:**

I approached the S/V on the passenger side and made contact with the driver (convertible top down). I immediately noticed that the driver had red, bloodshot, watery eyes. I advised her of the reason for the stop and asked if her vehicle had any mechanical problems. She stated, "no." I requested her driver's license, registration, and insurance. The driver removed a stack of cards from her wallet, which was located in her purse on right front passenger seat. She began sifting through the stack of cards. I observed her clearly pass by her license and continue searching through the cards. Unable to locate her license on the first attempt, she started over at the top and located the license on the second attempt. She was identified as Eryn Greenfield by California driver's license (#CA1234567). After handing me the license, she did not make an attempt to retrieve the other documents I had requested. I asked her again for the registration and insurance cards. She then retrieved them out of the glove compartment. I asked her how much alcohol she had consumed and she stated "a couple of beers about an hour ago." I asked her what size and type of beer and she replied with 12oz. bottles of Heineken. I asked her if she felt the effects of the drinks and she stated, "No, I feel fine." As she spoke, I noticed that her speech was slurred. I asked her to exit the vehicle and step to the side walk so I could administer several field sobriety tests to her (see field sobriety test section). As she exited the vehicle, she

stepped around the front as instructed, then stumbled on the raised curb. I asked her several pre-field sobriety test questions of which she answered accordingly (see page 2 of face page). As I communicated with her, I smelled an odor of alcoholic beverage emitting from her breath.

### **Field Sobriety Tests:**

This evaluation was performed on Riverpoint Drive, just south of Reed Avenue. The evaluation surface was smooth concrete. Lighting conditions consisted of patrol vehicle headlights, spotlights, overhead lights, streetlight, and my flashlight. No surface defects were noted or claimed. It was noticeably windy.

### **Horizontal Gaze Nystagmus (explained):**

I observed lack of smooth pursuit, distinct and sustained nystagmus at maximum deviation, and an onset of nystagmus prior to 45 degrees in both of Greenfield's eyes. Greenfield was swaying forward and backward significantly during the test. At least 3 inches in both directions.

### **Walk and Turn (explained and demonstrated):**

Instruction Stage: Lost balance (feet broke apart)

Walking Stage (1<sup>st</sup> Nine): Walked 10 steps (counted 10).  
Raised left arm over 6 inches away from body to assist with balance on one occasion (at steps 4 - 5).

Walking Stage (2<sup>nd</sup> Nine): Walked 10 steps (counted 9).  
Raised left arm over 6 inches away from body to assist with balance on two occasions (at steps 6 - 7).

Turn: Lost balance during turn and did not turn as instructed. Greenfield only took one step during the turn instead of several small steps as instructed.

### **One Leg Stand (explained and demonstrated):**

While explaining the test, Greenfield started before being told to begin. Greenfield raised her left leg and began counting. She put her foot down on counts 1006 and 1009. As she was counting, she skipped 1017 (counting from 1016 to 1018). Used right arm for balance (6+ inches from body) and was swaying while balancing. She counted to 1019 after 30 seconds.

**Arrest:**

Based on the following information, I formed the opinion that Greenfield was driving under the influence:

- Driving at night with no headlights.
- Driving to the right of the solid white fog line on exit ramp.
- Making wide right turn from eastbound Reed Avenue to southbound Riverpoint Drive without using a turn signal.
- Right tire rubbing against raised concrete curb after stop was initiated.
- I observed divided attention problems while retrieving her license/registration and insurance.
- Her red, bloodshot, watery eyes and slurred speech.
- Her admissions to consuming alcoholic beverages.
- Stumbling over curb after exiting the vehicle.
- Odor of alcoholic beverage emitting from her breath.
- I observed signs of impairment as she performed the standardized field sobriety tests.

I arrested Greenfield for driving under the influence of an alcoholic beverage at 9:20 p.m. Greenfield was given the proper chemical testing advisement. She chose a breath test and was transported to the breath testing facility. She provided two breath samples of 0.08 and 0.08 at 9:50 p.m. and 9:52 p.m. She was then booked along with her property.

**Recommendations:**

I recommend a copy of this report be forwarded to the district attorney's office for review and prosecution of Greenfield for driving under the influence and driving with a blood alcohol concentration at or above the legal state limit.

**Vehicle Disposition:**



Greenfield's vehicle was stored by Reliable Towing.

Session 13 - Report Writing Exercise and Moot Court

1 Hour 30 Minutes

# Session 13

## Report Writing Exercise and Moot Court





DWI Detection and Standardized Field Sobriety Testing

Session 13 - Report Writing Exercise and Moot Court

## Learning Objectives

- Discuss the required information on a narrative arrest report
- Successfully complete a narrative arrest report
- Discuss the need for competent courtroom testimony
- Demonstrate the proper techniques of courtroom testimony

DWI Detection and Standardized Field Sobriety Testing

13-2

***Briefly review the objectives, content and activities of this session.***

At the conclusion of this session, participants will be able to:

- Discuss the required information on a narrative arrest report
- Successfully complete a narrative arrest report
- Discuss the need for competent courtroom testimony
- Demonstrate the proper techniques of courtroom testimony

#### CONTENT SEGMENTS

- A. Procedures
- B. Report Writing Exercise
- C. Moot Court Exercise

#### LEARNING ACTIVITIES




- Instructor Led Presentations
- Video Presentation
- Writing Skills Exercise
- Participant's Courtroom Testimony Exercise
- Instructor Led Discussion

***Explain that participants will view a video of a simulated DWI arrest, after which they will write a narrative arrest report based on their observations. Some participants subsequently will be selected to "testify" about the incident in a moot court.***

Session 13 - Report Writing Exercise and Moot Court

## Report Writing Exercise

- Report Writing
  - Video simulation of DWI incident



DWI Detection and Standardized Field Sobriety Testing

13-3

### A. Procedures

*Report writing exercise consists of two sections.*

*The first section employs a video to simulate the three phases of DWI Detection.*




*Video begins with initial observation of a vehicle in operation, proceeds through the stop command and the observation of the stop, continues through the observation and interview with the driver, and ends with the observation of the driver's exit from the vehicle.*

*The video used for the report writing exercise is somewhat longer than the videos viewed in previous modules because this segment also includes the exit decision, observation of the exit, and the SFSTs.*

Session 13 - Report Writing Exercise and Moot Court

## Report Writing Exercise

- **Report Writing**
  - Video simulation of DWI incident
  - 10 Minutes to make notes
  - Complete narrative arrest report



DWI Detection and Standardized Field Sobriety Testing

13-4

***Following the video, participants will have 10 minutes to make notes and complete a narrative arrest report based on what was seen and heard in the video.***

***The standardized note taking guide/narrative arrest report form is to be used to record all evidence depicted in the video.***

***The report will include all the evidence portrayed in the video.***

***Instruct the participants that in this exercise the subject refused to take the Standardized Field Sobriety Tests or a chemical test. They are to end their narrative report at the completion of the driver's exit.***

***Report will be collected following the courtroom testimony exercise for grading by instructors.***



***This is optional.***



Session 13 - Report Writing Exercise and Moot Court

## Moot Court Exercise

- Take the stand
- Testify



DWI Detection and Standardized Field Sobriety Testing 13-5

### ***The Moot Court Exercise***

***This exercise involves a moot court situation in which participants are required to "testify" in a DWI trial based on information included in the narrative arrest report they had prepared in the report writing exercise.***

***In this exercise, participants will be required to appear in a realistic court situation, take the stand, and testify before a jury about their observations of the defendant at the time of the traffic stop.***

***Re-emphasize the importance of a complete arrest report when testifying in court.***




***Two participants will be selected by the instructor as patrol partners in a DWI case. They will be required to take the stand separately and testify from the facts listed on their completed narrative arrest reports.***

***After both "officers" have testified, the remainder of the class will be asked for comments as to the testimony given.***

Session 13 - Report Writing Exercise and Moot Court

## Moot Court Exercise

- Video replayed
- Comments
- Instructor Critique



DWI Detection and Standardized Field Sobriety Testing

13-6

***The video will be replayed in its entirety to the class.***



***Class members will again be asked for their comments.***

***Instructor critique.***

Session 13 - Report Writing Exercise and Moot Court

## Arrest Report

- Use to record all evidence depicted in the video
- End narrative report at the completion of the driver's exit



DWI Detection and Standardized Field Sobriety Testing




13-7

*Distribution of Standardized Note Taking Guide/Narrative Arrest Report Forms*

***Hand out sufficient copies of the standard note taking guide and narrative arrest report forms.***

Session 13 - Report Writing Exercise and Moot Court

# Report Writing



DWI Detection and Standardized Field Sobriety Testing

13-8

## **B. Report Writing Exercise**

**“Report Writing” video.**

**Show the “Report Writing” video. While this video is being shown participants may fill out note taking guides.**

**Reference back to Sessions 5 and 6 for appropriate clues.**

Session 13 - Report Writing Exercise and Moot Court

## Arrest Report Format

- **Initial observation**
- **Stopping sequence**
- **Contact with driver**
- **SFSTs**
- **PBTs**
- **Arrest**



DWI Detection and Standardized Field Sobriety Testing 13-9



The arrest report should contain the following elements:

- Initial observations of vehicle in operation
- Observations of the stop
- Observation and interview of driver
- Observations of the driver's exit
- SFSTs
- Arrest

Session 13 - Report Writing Exercise and Moot Court

## Complete Arrest Report

- 10 minutes
- End report with exit from the vehicle
- Break
- Be prepared to take the stand



DWI Detection and Standardized Field Sobriety Testing

13-10

### ***Completion of Narrative Arrest Reports***

***Allow 10 minutes for the participants to complete their reports individually. Instruct participants that in this case the subject refused the chemical test and to end their report at the completion of the driver's exit from vehicle.***

***Point out that the sample report used in Session XII may be used as a guide in this exercise.***



***When reports have been completed participants will take a break. When they return, they will be prepared to take the stand and testify in Report Writing video DWI case.***

***During the break following this segment, arrange the classroom in the moot court setting.***

Session 13 - Report Writing Exercise and Moot Court

## Moot Court Exercise

- Two arresting officers
- Judge presides over the case
- Jury

DWI Detection and Standardized Field Sobriety Testing

13-11

### **C. Moot Court Exercise**

***The purpose of this exercise is to have the participants demonstrate their ability to testify in a logical sequence to the evidence they collected during the three phases of DWI Detection with Report Writing video.***

***Choose the two participants who will testify as "arresting officers".***

***A participant judge will be appointed to preside over the case and two participants will be selected as arresting officers and sequestered until they are called to testify. The remainder of the participants will serve as members of the jury. Two instructors will serve as prosecutor and defense counsel.***

***When the two participants are chosen as "arresting officers" have them move to another room where they cannot hear or see what is happening in the court room.***



***The judge will call the court to order, the case will be announced and the prosecutor and defense counsel will give their opening statements.***

***One instructor shall give instructions to the jury. Have judge and jury move into their appropriate positions.***

Session 13 - Report Writing Exercise and Moot Court

## Moot Court Exercise (Cont.)

- Officers testify
- Refer to written reports if necessary
- Closing statements
- Jury renders verdict
- Discussion



DWI Detection and Standardized Field Sobriety Testing 13-12

***The first officer will be called to testify.***

***The second officer will be called to testify.***

***The officers should only testify to what they actually observed. They may refer to their written reports if necessary. When one "arresting officer" testifies, the other will remain sequestered***

***Prosecutor and defense counsel will give closing statements.***

***Judge will direct jury to render a verdict.***

***Have the jury render a verdict with a show of hands.***

***Discussion: Solicit participant comments as to the testimony of the two arresting officers.***

***(Optional): The Report Writing video may be shown again if time permits.***



# QUESTIONS?



# Session 14



## "Testing Subjects" Practice: Second Session



Session 14 - "Testing Subjects" Practice: Second Session

## Learning Objectives

- Properly administer the SFSTs
- Properly observe and record subject's performance utilizing the standard note taking guide
- Properly interpret the subject's performance

DWI Detection and Standardized Field Sobriety Testing

14-2

**See Section E, "Guidelines for Controlled Drinking Practice Session," in the Administrator's Guide.**

**Briefly review the objectives, content and activities of this session.**

At the conclusion of this session, participants will be able to:

- Properly administer the SFSTs
- Properly observe and record subject's performance utilizing the standard note taking guide
- Properly interpret the subject's performance

### CONTENT SEGMENTS

- A. Procedures
- B. Hands on Practice
- C. Session Wrap Up

### LEARNING ACTIVITIES

- Instructor Led Presentations
- Participant Practice Session
- Instructor Led Discussion

**Explain that participants will work as teams to administer Standardized Field Sobriety Tests to volunteers who have consumed alcoholic beverages. Some of these volunteers will have BACs above 0.08. Others will be below that level.**

**Participants will carefully note and record the volunteers' performance, and attempt to distinguish those above 0.08 from those below 0.08.**

**Participants will also learn to record your observations on a SFST Field Arrest Log.**

## Administer SFSTs

- **Volunteers who have consumed alcohol**
- **Each team member will administer one complete series of tests to at least one drinking volunteer**
- **Each team prepares a descriptive, written test record on each volunteer tested**



### A. Procedures

***Participants work in the same teams that were constituted for the Dry Run Practice Session.***

***Make sure that all participants understand the practice procedures. Each team will test at least as many drinking volunteers as the team has members.***

***Example: If a team has four members, that team will administer a complete set of tests to at least four volunteers.***

***Each team member will administer one complete series of tests to at least one drinking volunteer. If time permits, teams will test additional volunteers.***

- ***Emphasize that each team is to prepare a descriptive, written test record on each volunteer tested (using the standard note taking guide).***

***While one participant is administering tests to a volunteer, the other team members will observe and record the volunteer's performance.***

***As soon as the team has completed the SFSTs on a particular volunteer, the volunteer must be escorted by a monitor to the next scheduled team.***



- ***Define the sequence in which volunteers will circulate among teams.***

***Upon termination of this practice segment, monitors will escort the volunteer subjects to the Breath Testing Station.***

- ***Emphasize that teams will not be informed of the volunteers' BACs until the session "Wrap Up".***

Session 14 - "Testing Subjects" Practice: Second Session

# Hands On Practice



DWI Detection and Standardized Field Sobriety Testing

14-4

## **B. Hands on Practice**

***Participants carry out the "drinking subjects" practice procedures.***

***Instructors circulate among teams to observe and coach participant performance, as necessary.***



***Upon completion of practice, teams escort volunteers to the Breath Testing Station.***

***Teams return to classroom to complete report writing assignment. An instructor records the BACs of the volunteer.***

Session 14 - "Testing Subjects" Practice: Second Session

## Session Wrap Up

- **SFST results on each volunteer**
- **Observations concerning the relationship between volunteers' BACs and their performances on the tests**



DWI Detection and Standardized Field Sobriety Testing 14-5

### **C. Session Wrap Up**

***Teams report their observations of volunteers.***

***Solicit SFST results on each volunteer. Record results on dry erase board (See sample array on next page).***



***Instructor notifies participants of volunteers' BACs, as obtained during the breath tests.***

***Write BACs next to volunteers' names or code letters on the dry erase board.***

***Solicit participant comments, questions or observations concerning the relationship between volunteers' BACs and their performances on the tests.***

Session 14 - "Testing Subjects" Practice: Second Session

# QUESTIONS?





DWI Detection and Standardized Field Sobriety Testing

14-6

Session 14 - "Testing Subjects" Practice: Second Session

"Designated Subjects"	Horizontal Gaze Nystagmus	Walk and Turn	One Leg Stand	Arrest ?
"A"				
"B"				
"C"				
"D"				
"E"				
"F"				
"G"				
"H"				
"I"				
"J"				

DWI Detection and Standardized Field Sobriety Testing 14-7

### SAMPLE DRY ERASE BOARD ARRAY FOR TABULATING RESULTS





**SAMPLE DRY ERASE BOARD ARRAY FOR  
TABULATING RESULTS**

"Designated Subjects"	Horizontal Gaze Nystagmus	Walk and Turn	One Leg Stand	Arrest ?
"A"				
"B"				
"C"				
"D"				
"E"				
"F"				
"G"				

“H”				
“I”				
“J”				

**SFST FIELD ARREST LOG**



Date	Name	HGN	WAT	OLS	BAC +/- .08	Arrest Not Arrest	Measured BAC	Remarks

Session 11 - "Testing Subjects" Practice First Session

2 Hours

# Session 14-A

## Video Workshop Second Session





DWI Detection and Standardized Field Sobriety Testing

Session 11 - "Testing Subjects" Practice First Session

## Learning Objectives

- Properly administer the SFSTs
- Properly observe and record subject's performance utilizing the standard note taking guide
- Properly interpret the subject's performance
- Proper use and maintenance of the SFST Field Arrest Log

DWI Detection and Standardized Field Sobriety Testing

14A-2

***Briefly review the objectives, content and activities of this session.***

Upon successfully completing this session the participant will be able to:

- Properly administer the SFST's
- Properly observe and record subject's performance utilizing the standard note taking guide
- Properly interpret the subject's performance
- Properly use and maintain the SFST Field Arrest Log

#### CONTENT SEGMENTS

- A. Procedures
- B. Hands on Practice
- C. Use and Maintenance of SFST Field Arrest Log
- D. Session Wrap Up

#### LEARNING ACTIVITIES

- Instructor Led Presentations
- Participant Practice Session
- Instructor Led Presentation
- Instructor Led Discussion



***Explain that participants will view the administration of Standardized Field Sobriety Tests to volunteers who have consumed alcoholic beverages. Some of these volunteers will have BACs above 0.08. Others will be below that level. Participants will carefully note and record the video subjects' performance, and attempt to distinguish those above 0.08 from those below 0.08.***

***Participants will also learn to record observations on a SFST Field Arrest Log.***

Session 11 - "Testing Subjects" Practice First Session

## Procedures

- Same teams as dry run
- Each subject will be viewed performing all three tasks
- Only one opportunity to view each subject
- Record the number of clues observed in the appropriate boxes on video score worksheet

DWI Detection and Standardized Field Sobriety Testing

14A-3

### A. Procedures

***Participants work in the same teams that were constituted for the Dry Run Practice Session.***

***Make sure that all participants understand the practice procedures.***

***Distribute video score sheets, have participants fill in their name and team number.***

***Have sufficient copies of handout 11-A available (Minimum of eight copies per student).***

***Advise participants that each subject will be viewed performing all three tasks, Pauses are provided between each test to allow participants to record observed clues.***



***Point out that participants will have only one chance to view each subject. Review can be conducted after the "wrap-up."***

***Participants shall record the number of clues observed, in the boxes located opposite each test.***

Session 11 - "Testing Subjects" Practice First Session

## Procedures (Cont.)

- **Class will be divided into two groups**
- **One half will watch video subjects**
- **Other half will practice administration of SFSTs**
- **At conclusion of video, participants will switch roles**

DWI Detection and Standardized Field Sobriety Testing

14A-4

### **B. Hands on Practice**

***Divide class into two groups.***

***Each team member will administer a complete SFST batter on another student under the direct supervision of an instructor.***

***It is recommended that half the class perform the SFSTs under the direction of instructor while the remainder of the class views, records, and interprets the NHTSA/IACP approved videos for this session. Once completed, the groups switch roles.***

***EACH team member viewing the videos must determine if the subject should or should not be arrested.***

***Emphasize that each officer is to prepare a descriptive, written test record on each video subject, using the standard note-taking guide.***

***Emphasize that teams will not be informed of the volunteer's BACs until the session "Wrap-up."***

***If time permits, participants will administer additional tests to each other.***







Session 11 - "Testing Subjects" Practice First Session

## SFST Field Arrest Log Components

- The actual date the SFSTs were administered
- Subject's full name
- Results of each SFST test



DWI Detection and Standardized Field Sobriety Testing 14A-6

This log has the following components:

- The actual date the SFSTs were administered
- Subject's full name
- Results of each SFST test

***Direct participants to transfer their documentation from the note taking guide to the log:***



- Classification of BAC as above or below 0.08 BAC
- Arrest/Not Arrest
- Subject's measured BAC (if available)
- Remarks

*Utilization of Log*

Session 11 - "Testing Subjects" Practice First Session

## Team Reports

- Video subject observations
- Record results
- Comments?
- Questions?
- Observations?

DWI Detection and Standardized Field Sobriety Testing

14A-7

### **D. Session Wrap Up**

***Teams report their observations of video subjects.***

***Solicit SFST results on each video subject. Record results on dry erase board (See sample dry-erase board array on next page).***



***Instructor notifies participants of video subjects' BACs.***

***Write BACs next to video subjects' names or code letters on the dry erase board.***

***Solicit participant comments, questions or observations concerning the relationship between video subjects' BACs and their performances on the tests.***

Session 11 - "Testing Subjects" Practice First Session

# QUESTIONS?



DWI Detection and Standardized Field Sobriety Testing

14A-8

**VIDEO SCORE SHEET - SESSION XI-A**

SUSPECT'S NAME: \_\_\_\_\_ OFFICER'S NAME: \_\_\_\_\_

Pupil Size: Equal            Unequal	Tracking: Equal    Unequal		Unequal Pupil Size: Explain:
Resting Nystagmus Yes            No	Eyelids: Normal    Droopy		
Lack Of Smooth Pursuit	Left Eye	Right Eye	Vertical Nystagmus Yes    No
Distinct Nystagmus At Maximum Deviation			Eyes: Normal Bloodshot Watery
Onset Of Nystagmus Prior To 45 Degrees			

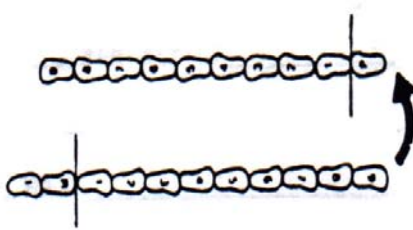
**HGN CLUES**

Observed	Actual

**WALK AND TURN TEST**

Cannot keep balance \_\_\_\_\_  
Starts too soon \_\_\_\_\_

**WALK AND TURN**



- Stops Walking
- Misses Heel-to-Toe
- Steps Off Line
- Raises Arms
- Actual Steps Taken

1<sup>st</sup> Nine    2<sup>nd</sup> Nine


Observed	Actual

Improper Turn (Describe)	Cannot Do Test (explain)
--------------------------	--------------------------

<b>Team Information</b>
Team No: _____
Arrest Decision: Yes: _____ No: _____
BAC: Above 0.10: _____ Below 0.10: _____ Above 0.08: _____ Below 0.08: _____

<b>ONE LEG STAND</b>	
L	R
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
	Sways while balancing. Uses arms to balance. Hopping. Puts foot down.

**ONE LEG STAND**

Observed	Actual

<b>CD/Video Day 2</b>		
Subjects Name: <u>Laura</u>		BAC: <u>.141</u>
HGN Clues	<b>6</b>	Lack of smooth pursuit present in both eyes, Distinct and sustained nystagmus present in both eyes, Onset of nystagmus prior to 45 degrees present on both eyes.
W & T	<b>3</b>	Used arms for balance, Stepped off line, Improper turn
OLS	<b>0</b>	None
Teaching points/Comments: None		

<b>CD/Video Day 2</b>		
Subjects Name: <u>Andrew</u>		BAC: <u>.000</u>
HGN Clues	<b>2</b>	Distinct and sustained nystagmus at maximum deviation
W & T	<b>0</b>	None
OLS	<b>0</b>	None
Teaching points/Comments: Not uncommon to see to see distinct and sustained nystagmus at maximum deviation, Placebo		

<b>CD/Video Day 2</b>		
Subjects Name: <u>Joe</u>		BAC: <u>.104</u>
HGN Clues	<b>6</b>	Lack of smooth pursuit present in each eye, Distinct and sustained nystagmus at maximum deviation present in each eye, Onset of nystagmus prior to 45 degrees present in each eye.
W & T	<b>0</b>	None
OLS	<b>1</b>	Puts foot down
Teaching points/Comments: Subject did not count as instructed by officer		

<b>CD/Video Day 2</b>		
Subjects Name: <b>Wayne</b>		BAC: <b>.000</b>
HGN Clues	<b>0</b>	None
W & T	<b>0</b>	None
OLS	<b>0</b>	None
Teaching points/Comments: <b>Placebo</b>		

<b>CD/Video Day 2</b>		
Subjects Name: <b>Merideth</b>		BAC: <b>.122</b>
HGN Clues	<b>4</b>	Lack of smooth pursuit present in each eye, Distinct and sustained nystagmus at maximum deviation present in each eye.
W & T	<b>1</b>	Stepped off line
OLS	<b>1</b>	Hopped
Teaching points/Comments: Subject did not count as instructed by officer		

<b>CD/Video Day 2</b>		
Subjects Name: <b>Orin</b>		BAC: <b>.142</b>
HGN Clues	<b>6</b>	Ack of smooth pursuit present in each eye, Distinct and sustained nystagmus at maximum deviation present in each eye, onset of nystgamus present in each eye.
W & T	<b>1</b>	Missed heel to toe
OLS	<b>3</b>	Swaying, Uses arms to balance, put foot down.
Teaching points/Comments: None		

<b>CD/Video Day 2</b>		
Subjects Name: <b><u>Phil</u></b>		BAC: <b><u>.000</u></b>
HGN Clues	<b>0</b>	None
W & T	<b>3</b>	Missed heel to toe, stops walking, improper turn.
OLS	<b>0</b>	None
Teaching points/Comments: None / Placebo		

<b>CD/Video Day 2</b>		
Subjects Name: <b><u>Joannah</u></b>		BAC: <b><u>.132</u></b>
HGN Clues	<b>6</b>	Lack of smooth pursuit present in each eye, distinct and sustained nystagmus at maximum deviation present in each eye, Onset of nystagmus present in each eye.
W & T	<b>2</b>	Lost balance during instructional stage, Improper turn.
OLS	<b>0</b>	None
Teaching points/Comments:		



# Session 15



## Review and Proficiency Examinations



Session 15 - Review and Proficiency Examinations

## Learning Objective

### Demonstrate knowledge and proficiency in administering the SFSTs battery

DWI Detection and Standardized Field Sobriety Testing 15-2

***Briefly review the objectives, content and activities of this session.***

Upon successfully completing this session the participant will be able to:

- Demonstrate knowledge and proficiency in administering the Standardized Field Sobriety Test battery.

#### CONTENT SEGMENTS

- A. Review of Horizontal Gaze Nystagmus
- B. Review of Walk and Turn
- C. Review of One Leg Stand
- D. Video Demonstrations
- E. Proficiency Exam

#### LEARNING ACTIVITIES

- Instructor Led Presentations
- Instructor and Participant Led Demonstrations
- Video Demonstration  
(Second Showing) IF TIME PERMITS
- Participant Proficiency Examination


***Explain that the participant will review the administrative procedures for the three Standardized Field Sobriety Tests. They will participate in and observe demonstrations of those tests in the classroom and they will view video demonstrations.***



***Near the end of this session, the will be examined to determine proficiency in administering the three tests. Study the Participant's Performance Checklist. They must perform each administrative step perfectly to pass the proficiency examination.***

Session 15 - Review and Proficiency Examinations

## Horizontal Gaze Nystagmus Review

Involuntary jerking of the eyes, occurring  
as the eyes gaze to the side



DWI Detection and Standardized Field Sobriety Testing 15-3

### A. Review of Horizontal Gaze Nystagmus

Involuntary jerking of the eyes, occurring as the eyes gaze to the side.

The subject is generally unaware of the nystagmus.



Nystagmus is caused by alcohol and/or other drugs and some medical conditions.

***Review pupil size, resting nystagmus, and equal tracking.***

Session 15 - Review and Proficiency Examinations

## Three Clues of Horizontal Gaze Nystagmus

- **Lack of smooth pursuit**
- **Distinct and sustained nystagmus at maximum deviation**
- **Onset of nystagmus prior to 45 degrees**



DWI Detection and Standardized Field Sobriety Testing 15-4

Three specific clues of Horizontal Gaze Nystagmus.


Look for these clues in each eye:



- Lack of smooth pursuit
- Distinct and sustained nystagmus at maximum deviation
- Onset of nystagmus prior to 45 degrees

Session 15 - Review and Proficiency Examinations

## Clue Number 1

### Lack of smooth pursuit



DWI Detection and Standardized Field Sobriety Testing 15-5

*Clue No. 1: Lack of Smooth Pursuit*

Position stimulus approximately 12 - 15 inches (30 - 38 cm) in front of subject's nose, slightly above eye level.

Start with the left eye.

***Demonstrate initial positioning of object.***

Move the stimulus smoothly all the way to the right side (checking subject's left eye) then all the way to the left side (across subject's nose) to the left side (checking subject's right eye).

***Demonstrate.***


Make at least two complete passes.



Observe eyes for signs of nystagmus as they move side to side.

Session 15 - Review and Proficiency Examinations

## Clue Number 2

### Distinct and sustained nystagmus at maximum deviation



DWI Detection and Standardized Field Sobriety Testing 15-6

*Clue No. 2: Distinct and Sustained Nystagmus at Maximum Deviation*

**Select another participant to serve as a demonstration subject.**

Move the stimulus to the right until the subject's left eye reaches maximum deviation.

**Demonstrate.**

Verify that no white is showing in the corner of the eye.

**Remind participants that the nystagmus must be distinct. Very slight nystagmus at maximum deviation is common among some unimpaired people.**

Hold the stimulus steady for a minimum of four seconds, and watch for distinct and sustained nystagmus.

Repeat for right eye.


**Remind participants to conduct a second pass the same as the first.**



Check each eye twice for each clue.

Session 15 - Review and Proficiency Examinations

## Clue Number 3

### Onset of nystagmus prior to 45 degrees.



DWI Detection and Standardized Field Sobriety Testing 15-7

*Clue No. 3: Onset of Nystagmus prior to 45 Degrees*

**Select another participant to serve as a demonstration subject.**

Position stimulus approximately 12 - 15 inches (30 - 38 cm) in front of subject's nose, slightly above eye level.

**Demonstrate.**

Begin to make a slow pass in front of the left eye.

**Demonstrate.**

When you see nystagmus, stop the stimulus.

**Demonstrate.**

Hold the stimulus steady and verify that the nystagmus continues.

**Remind participants that in most individuals there will be some white showing in the corner of the eye at 45 degrees.**

Verify that there is still some white showing in the corner of the eye.

Check the alignment of the object with the subject's shoulder.

Repeat for right eye



**Remind participants to conduct a second pass the same as the first.**

Check each eye twice for each clue.

Session 15 - Review and Proficiency Examinations

## Administrative Procedures

- **Eyeglasses**
- **Verbal instructions**
  - **Feet together, hands at sides**
  - **Head still**
  - **Look at stimulus**
  - **Follow movement with eyes**
- **Position stimulus(12-15 inches)(30-38 cm)**
- **Pupil size and resting nystagmus**
- **Equal tracking**

DWI Detection and Standardized Field Sobriety Testing 15-8

### *Nystagmus Administrative Procedures*

Step 1: Check for Eyeglasses.

Step 2: Verbal Instructions.

- Feet together, hands at sides
- Head still
- Look at stimulus
- Follow movement with eyes

Step 3: Positioning the Stimulus.

Step 4: Pupil Size and Resting Nystagmus.

Step 5: Check for Equal Tracking.



***Remind participants that vertical nystagmus was not included in SFST battery during the original research. However, it is a reliable indicator of a high dose of alcohol for that individual and can also be caused by certain other drugs.***



Session 15 - Review and Proficiency Examinations

## Administrative Procedures (Cont.)

- **Check for Lack of Smooth Pursuit**
- **Check for distinct and sustained nystagmus at maximum deviation**
- **Check for onset of nystagmus prior to 45 degrees**
- **Total the clues**
- **Check for Vertical Gaze Nystagmus**



DWI Detection and Standardized Field Sobriety Testing 15-9

Step 6: Check for Lack of Smooth Pursuit.

Step 7: Check for Distinct and Sustained Nystagmus at Maximum Deviation.

Step 8: Check for Onset of Nystagmus Prior to 45 Degrees.

Step 9: Total the clues.


Step 10: Check for Vertical Gaze Nystagmus.



Check each eye independently beginning with the subject's left and compare.

Session 15 - Review and Proficiency Examinations

## Horizontal Gaze Nystagmus Test Criterion

**4 or more clues indicates BAC  
above 0.08 (88% accurate).**



DWI Detection and Standardized Field Sobriety Testing 15-10

### *Test Interpretation*

Maximum possible number of clues is 6.

Test criterion is 4 or more.

Test is 88% accurate.

Based on the San Diego validation study.

### *Participant Led Demonstration*

**Choose a participant to serve as the test administrator.**

**Choose another participant to serve as a subject.**

### *Test Administration*

**Have participant administrator conduct a complete test of the participant subject's eyes.**

**Instruct participant administrator to articulate each step in the testing procedure.**

### *Verbal Instructions*

Initial positioning of stimulus.

Check for each clue.

Estimate a 45 degree angle.

**At completion of test, have participant estimate a 45 degree angle.**

### *Critique*




**Comment on, and solicit other participants' comments on, participant administrator's performance.**

Session 15 - Review and Proficiency Examinations

# Walk and Turn

## Divided Attention Mental Task and Physical Task

- Instructions stage
- Walking stage

DWI Detection and Standardized Field Sobriety Testing

15-11

## **B. Review Walk and Turn**

### *Two Stage Test*

1. Instructions stage.
2. Walking stage.

### *Instructions Stage Positioning*

Place your right foot on the line ahead of the left foot, with the heel of your right foot against the toe of the left foot, keeping the arms at the sides.

Maintain this position until I have completed the instructions. Do not start to walk until told to do so.

***Demonstrate positioning for the instructions stage.***

***Remind participants that it is important that the subject be asked if he/she understands the instructions. Once the subject acknowledges his/her understanding of the instructions, instruct the subject to begin the test.***

Session 15 - Review and Proficiency Examinations

## Administrative Procedures



**Verbal instructions:**

- Assume heel toe stance
- Arms down at sides
- Don't start until told

**9 heel to toe steps turn, 9 heel to toe steps**

**Turn procedures:**

- Turn around on line
- Several small steps



DWI Detection and Standardized Field Sobriety Testing

15-12

### *Walk and Turn Administrative Procedures*

Verbal instructions:

- Assume heel toe stance
- Arms down at sides
- Don't start until told

9 heel to toe steps turn, 9 heel to toe steps

Turn procedures:



- Turn around on line
- Several small steps

Session 15 - Review and Proficiency Examinations

## Administrative Procedures (Cont.)

**While walking:**

- Keep watching feet
- Arms down at sides
- Count steps out loud
- Don't stop during walk



DWI Detection and Standardized Field Sobriety Testing 15-13

### *Walk and Turn Administrative Procedures (Cont.)*



While walking:

- Keep watching feet
- Arms down at sides
- Count steps out loud
- Don't stop during walk

Session 15 - Review and Proficiency Examinations

## Walk and Turn Test Clues

- **Cannot keep balance (feet break away from the heel to toe stance)**
- **Starts too soon (subject starts walking before told to do so)**
- **Stops while walking**
- **Does not touch heel to toe**



DWI Detection and Standardized Field Sobriety Testing 15-14



There are eight possible clues for the Walk and Turn test:

- Cannot keep balance
- Starts too soon
- Stops while walking
- Does not touch heel to toe

Session 15 - Review and Proficiency Examinations

## Walk and Turn Test Clues (Cont.)

- **Steps off line**
- **Uses arms to balance**
- **Improper turn**
- **Incorrect number of steps**



DWI Detection and Standardized Field Sobriety Testing


15-15



- Steps off line
- Uses arms to balance
- Improper turn
- Incorrect number of steps

Session 15 - Review and Proficiency Examinations

## Walk and Turn Test Criterion

**2 or more clues indicates BAC above 0.08 (79% accurate).**



DWI Detection and Standardized Field Sobriety Testing 15-16

### *Test Interpretation*

Eight specific clues of impairment.

Test criterion is 2 or more.

Test is 79% accurate.

Based on the San Diego validation study.

### *Participant Led Demonstration*

**Choose a participant to serve as the test administrator.**

**Choose another participant to serve as the test subject.**

### *Test Administration*

**Have participant administrator initiate the test of the subject.**

**Instructions positioning.**

**Verbal instructions.**

**Turn demonstration.**

**Terminate the test after the subject has taken two or three steps.**

### *Critique*

**Comment on, and solicit other participants' comments on participant administrator's performance.**






Session 15 - Review and Proficiency Examinations

# One Leg Stand

## Divided Attention Test Mental Task and Physical Task

- **Instructions stage**
- **Balance and counting stage**



DWI Detection and Standardized Field Sobriety Testing

15-17

### **C. Review of One Leg Stand**

#### *Two Stage Test*

Instructions stage.



Balance and Counting stage.

Session 15 - Review and Proficiency Examinations

## Administrative Procedures

**Instructions stage:**

- **Stand straight, feet together**
- **Keep arms at sides**
- **Maintain position until told otherwise**



DWI Detection and Standardized Field Sobriety Testing 15-18

***Demonstrate positioning for the instructions stage.***

Stand with your feet together with your arms down at your sides.



Hold position until told to begin.

Session 15 - Review and Proficiency Examinations

## Administrative Procedures (Cont.)

### Balance and counting stage:

- Raise either leg
- Keep raised foot approximately six inches (15 cm) off ground, foot parallel to the ground
- Keep both legs straight and arms at your side
- Keep eyes on raised foot
- Count out loud in the following manner: “One thousand one, one thousand two, one thousand three and so on”, until told to stop

DWI Detection and Standardized Field Sobriety Testing 15-19

### ***Demonstrate the administrative procedures.***

Simple verbal instructions:

When I tell you to start, raise either leg with the foot approximately six inches off the ground, keeping your raised foot parallel to the ground.

Keep both legs straight and your arms at your side.

Keep both legs straight and to look at elevated foot.

Count out loud in the following manner: “one thousand one, one thousand two, one thousand three,” and so on until told to stop.

### ***Demonstrate count: one thousand one; one thousand two; one thousand three, etc.***

Simple physical demonstrations:



Demonstrate One Leg Stand.

Demonstrate counting.

Session 15 - Review and Proficiency Examinations

## One Leg Stand Test Clues

- Sways while balancing
- Uses arms to balance
- Hopping
- Puts foot down



DWI Detection and Standardized Field Sobriety Testing 15-20

### *Test Interpretation*

There are four specific clues of impairment for the One Leg Stand test




- Sways while balancing
- Uses arms to balance
- Hopping
- Puts foot down

***If subject can't do the test, record observed clues and document the reason for not completing the test.***

Session 15 - Review and Proficiency Examinations

## One Leg Stand Test Criterion

Two or more clues indicates BAC above  
0.08 (83% accurate)

DWI Detection and Standardized Field Sobriety Testing 15-21

- Test criterion is 2 or more.
- Test is 83% accurate.
- Based on the San Diego validation study

*Participant Led Demonstration*

**Choose a participant to serve as the test administrator.**

**Choose another to serve as the test subject.**

*Test Administration*

**Have participant administrator initiate the test of the subject.**

- **Instructions positioning**
- **Verbal instructions**
- **Physical demonstrations**

**Terminate the test after the subject has counted out three or four seconds.**

*Critique*



**Comment on, and solicit other participant comments on, participant administrator's performance.**

**Solicit and answer participants' questions concerning test administrative procedures.**

Session 15 - Review and Proficiency Examinations

# Proficiency Examination

- **Demonstrate the ability to administer properly the three SFSTs**



DWI Detection and Standardized Field Sobriety Testing

15-22

## E. Proficiency Examination

Procedures



***Make sure all participants understand the proficiency examination procedures.***

***Each participant must demonstrate the ability to administer properly the three SFSTs.***

Session 15 - Review and Proficiency Examinations

## Administer Tests

- **Horizontal Gaze Nystagmus**
- **Walk and Turn**
- **One Leg Stand**

DWI Detection and Standardized Field Sobriety Testing

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### *Horizontal Gaze Nystagmus*

***Inform participants that each must satisfactorily administer the Horizontal Gaze Nystagmus test to one of the fellow participants.***

Demonstrate ability to give proper verbal instructions.

Demonstrate ability to carry out the mechanics of testing for each clue.

Demonstrate ability to estimate a 45 degree angle.

### *Walk and Turn*

***Inform the participants that each must satisfactorily administer the Walk and Turn test to one of the fellow participants.***

Demonstrate ability to give proper verbal instructions.

Demonstrate ability to carry out appropriate physical demonstrations to support the verbal instructions.

### *One Leg Stand*



***Inform the participants that each must satisfactorily administer the One Leg Stand test to a fellow participant.***

Demonstrate ability to give proper verbal instructions.

Demonstrate ability to carry out appropriate physical demonstrations to support the verbal instructions.

Session 15 - Review and Proficiency Examinations

# Group Assignments



DWI Detection and Standardized Field Sobriety Testing

15-24

## *Group Assignments*

***Divide the class among the instructors.***

### *Conduct Examinations*

***Within each group, participants conduct their tests one at a time.***

***While one participant is conducting the tests, another participant assists by serving as the test subject. Other participants in the group observe the participant administrator's performance.***

***Each participant conducts a complete test of Horizontal and Vertical Gaze Nystagmus. Instructor critiques/comments on participant administrator's performance in conducting Horizontal Gaze Nystagmus test. (Use the performance checklist from the participant manual.)***

***Each participant administers the verbal instructions and physical demonstrations of the Walk and Turn test.***

***Instructor stops the test after the participant subject has taken two or three heel toe steps.***

***Instructor critiques/comments on participant administrator's performance in conducting Walk and Turn test.***

***Each participant administers the verbal instructions and physical demonstrations of the One Leg Stand test.***



***Instructor stops the test after the participant subject has counted out three or four seconds.***

***Instructor critiques/comments on participant administrator's performance in conducting One Leg Stand test.***



Session 15 - Review and Proficiency Examinations

# Re-Examinations



DWI Detection and Standardized Field Sobriety Testing

15-25

*Re-examinations (as necessary)*

***Participants who have failed to exhibit adequate proficiency in administering the tests will receive additional practice, and a repeat examination. This may be conducted during the lunch hour, or after regular class hours, as appropriate.***

***“Adequate proficiency” for purposes of this session means the participant successfully administers the entire 3 test battery at least once without missing any of the performance checklist items that are marked with an asterisk (\*).***

# QUESTIONS?



**PARTICIPANT PROFICIENCY EXAMINATION  
STANDARDIZED FIELD SOBRIETY TEST BATTERY**

Participant Name: \_\_\_\_\_ Date: \_\_\_\_\_

**I. HORIZONTAL GAZE NYSTAGMUS**

- \_\_\_\_\_ 1. Remove eyeglasses.
- \_\_\_\_\_ 2. Stimulus held in proper position (approximately 12"-15" from nose, just above eye level).
- \_\_\_\_\_ 3. Check for equal pupil size and look for resting nystagmus.
- \_\_\_\_\_ 4. Check equal tracking.
- \_\_\_\_\_ 5. Smooth movement from center of nose to maximum deviation in approximately 2 seconds and then back across the subject's face to maximum deviation in right and then back to center so that each movement takes approximately 2 seconds to bring the eye from center to side. Check left eye, then right eye. (Repeat)
- \_\_\_\_\_ 6. Eye held at maximum deviation for a minimum of 4 seconds (no white showing). Check left eye, then right eye. (Repeat)
- \_\_\_\_\_ 7. Eye moved slowly (approximately 4 seconds) from center to 45 degree angle. Check left eye, then right eye. (Repeat)
- \_\_\_\_\_ 8. Check for Vertical Gaze Nystagmus. Eyes held at maximum elevation for at least 4 seconds. Check both eyes at the same time. (Repeat)

**II. WALK AND TURN**

- \_\_\_\_\_ 1. Instructions given from a safe position.
- \_\_\_\_\_ 2. Tells subject to place left foot on a line, then right foot in front of left foot touching heel to toe with arms at sides and gives demonstration.
- \_\_\_\_\_ 3. Tells subject not to begin walking until instructed to do so and asks if subject understands.
- \_\_\_\_\_ 4. Tells subject to take nine heel-to-toe steps on the line and demonstrates.
- \_\_\_\_\_ 5. Explains and demonstrates turning procedure.
- \_\_\_\_\_ 6. Tells subject to return on the line taking nine heel-to-toe steps.

- \_\_\_\_\_ 7. Tells subject to count steps out loud.
- \_\_\_\_\_ 8. Tells subject to look at feet while walking.
- \_\_\_\_\_ 9. Tells subject not to raise arms from sides.
- \_\_\_\_\_ 10. Tells subject not to stop *walking until the test is completed*.
- \_\_\_\_\_ 11. Asks subject if all instructions are understood.

### III. ONE LEG STAND

- \_\_\_\_\_ 1. Instructions given from a safe position.
- \_\_\_\_\_ 2. Tells subject to stand straight, place feet together, and hold arms at sides.
- \_\_\_\_\_ 3. Tells subject not to begin test until instructed to do so and asks if subject understands.
- \_\_\_\_\_ 4. Tells subject to raise one leg, either leg, with the foot approximately 6" off the ground, keeping raised foot parallel to the ground, and gives demonstration.
- \_\_\_\_\_ 5. Tells subject to keep both legs straight and arms at sides and to look at elevated foot.
- \_\_\_\_\_ 6. Tells subject to count in the following manner: "one thousand one, one thousand two, one thousand three" until told to stop, and gives demonstration.
- \_\_\_\_\_ 7. Asks subject if all instructions are understood.
- \_\_\_\_\_ 8. Checks actual time subject holds leg up. (Time for 30 seconds).

Instructor: \_\_\_\_\_

# Session 16



## Written Examination and Program Conclusion



Session 1 - Written Examination and Program Conclusion

## Learning Objectives

- **Complete a written examination with a passing grade**
- **Provide comments and suggestions for improving the course**

DWI Detection and Standardized Field Sobriety Testing 16-2

***Briefly review the objectives, content and activities of this session.***

Upon successfully completing this session the participant will be able to:

- Complete a written examination with a passing grade.
- Provide comments and suggestions for improving the course.

#### CONTENT SEGMENTS

- A. Post Test
- B. Critique
- C. Review of Post Test
- D. Concluding Remarks
- E. Certificates and Dismissal

#### LEARNING ACTIVITIES



- Written Participant Examination
- Written Participant Critique
- Instructor Led Presentation

***Explain that participants will take a written test to demonstrate their knowledge of the key topics covered in this course. They should study the manual prior to the test and become familiar with its contents.***

Session 1 - Written Examination and Program Conclusion

## Deterrence and DWI

- **What approximate percentage of fatal crashes involve drivers who have been drinking?**
- **On any typical weekend night, approximately what percentage of cars are driven by persons who are DWI?**
- **Approximately what percentage of adult Americans are estimated to commit DWI at least occasionally?**



DWI Detection and Standardized Field Sobriety Testing 16-3

Suggested topics for review to prepare for the test.



### *Deterrence and DWI*

- Approximately what percentage of fatal crashes involve drivers who have been drinking?
- On any typical weekend night, approximately what percentage of cars are driven by persons who are DWI?
- Approximately what percentage of adult Americans are estimated to commit DWI at least occasionally?

Session 1 - Written Examination and Program Conclusion

## Deterrence and DWI (Cont.)

- About how many times per year does the average DWI violator commit DWI?
- An alcohol related crash is more likely to result in death than is a non alcohol related crash. How many times more likely?
- It is estimated that the current odds of being arrested for DWI on any one impaired driving event are about one in \_\_\_\_\_.



DWI Detection and Standardized Field Sobriety Testing 16-4



- About how many times per year does the average DWI violator commit DWI?
- An alcohol related crash is more likely to result in death than is a non alcohol related crash. How many times more likely?
- It is estimated that the current odds of being arrested for DWI on any one impaired driving event are about one in \_\_\_\_\_.



Session 1 - Written Examination and Program Conclusion

## Detection Phases

- **What are the three phases of detection?**
- **What is the definition of "detection"?**
- **What is the police officer's principal decision during Detection Phase One?**



DWI Detection and Standardized Field Sobriety Testing

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### *Detection Phases*

- What are the three phases of detection?
- What is the definition of "detection"?
- What is the police officer's principal decision during Detection Phase One?

Session 1 - Written Examination and Program Conclusion

## Detection Phases (Cont.)

- **During Phase Two? During Phase Three?**
- **Suppose you are on night time patrol and you see a vehicle following another too closely. What are the odds that the driver of the following vehicle is DWI?**





DWI Detection and Standardized Field Sobriety Testing 16-6

- During Phase Two? During Phase Three?
- Suppose you are on night time patrol and you see a vehicle following another too closely. What are the odds that the driver of the following vehicle is DWI?

Session 1 - Written Examination and Program Conclusion

## Laws

- **What does "Per Se" mean?**
- **The "illegal per se" law makes it an offense to operate a motor vehicle while \_\_\_\_\_.**
- **True or False: The implied consent law grants the subject the option of refusing the chemical test.**
- **True or False: A person cannot be convicted of DWI if BAC was below 0.05.**

DWI Detection and Standardized Field Sobriety Testing 16-7



### *Laws*

- What does "Per Se" mean?
- The "illegal per se" law makes it an offense to operate a motor vehicle while \_\_\_\_\_.
- True or False: The implied consent law grants the subject the option of refusing the chemical test.
- True or False: A person cannot be convicted of DWI if BAC was below 0.05.

Session 1 - Written Examination and Program Conclusion

## Alcohol Physiology

- **True or False: Vision will be impaired for virtually all people by the time BAC reaches 0.08**
- **Name at least three factors that may affect the accuracy of a preliminary breath test**



DWI Detection and Standardized Field Sobriety Testing 16-8



### *Alcohol Physiology*

- True or False: Vision will be impaired for virtually all people by the time BAC reaches 0.08.
- Name at least three factors that may affect the accuracy of a preliminary breath test.

Session 1 - Written Examination and Program Conclusion

## Field Sobriety Testing

- What does "nystagmus" mean?
- Walk and Turn is an example of a \_\_\_\_\_ attention test
- Name the eight distinct clues of Walk and Turn
- Name the four distinct clues of One Leg Stand
- Name the three distinct clues of Horizontal Gaze Nystagmus
- What is the critical angle for determining whether the third clue of HGN is present?

DWI Detection and Standardized Field Sobriety Testing

16-9



### *Field Sobriety Testing*

- What does "nystagmus" mean?
- Walk and Turn is an example of a \_\_\_\_\_ attention test.
- Name the eight distinct clues of Walk and Turn.
- Name the four distinct clues of One Leg Stand.
- Name the three distinct clues of Horizontal Gaze Nystagmus.
- What is the critical angle for determining whether the third clue of HGN is present?

Session 1 - Written Examination and Program Conclusion

## Field Sobriety Testing (Cont.)

- How many steps in each direction must the subject take in the Walk and Turn test?
- How long must the subject stand on one foot in the One Leg Stand test?
- Suppose a subject produces three clues on the HGN test and one clue on the Walk and Turn test. Should you classify the subject's BAC as above or below 0.08?
- How reliable is each test?



DWI Detection and Standardized Field Sobriety Testing



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- How many steps in each direction must the subject take in the Walk and Turn test?
- How long must the subject stand on one foot in the One Leg Stand test?
- Suppose a subject produces three clues on the HGN test and one clue on the Walk and Turn test. Should you classify the subject's BAC as above or below 0.08?
- How reliable is each test?

Session 1 - Written Examination and Program Conclusion

## Post Test

- “Closed book“
- Passing score is 80%
- Approximately 17 minutes to complete



DWI Detection and Standardized Field Sobriety Testing 16-11

### A. Post Test

Purpose of Post Test: to compare with pretest, and determine extent of knowledge gained by participants.

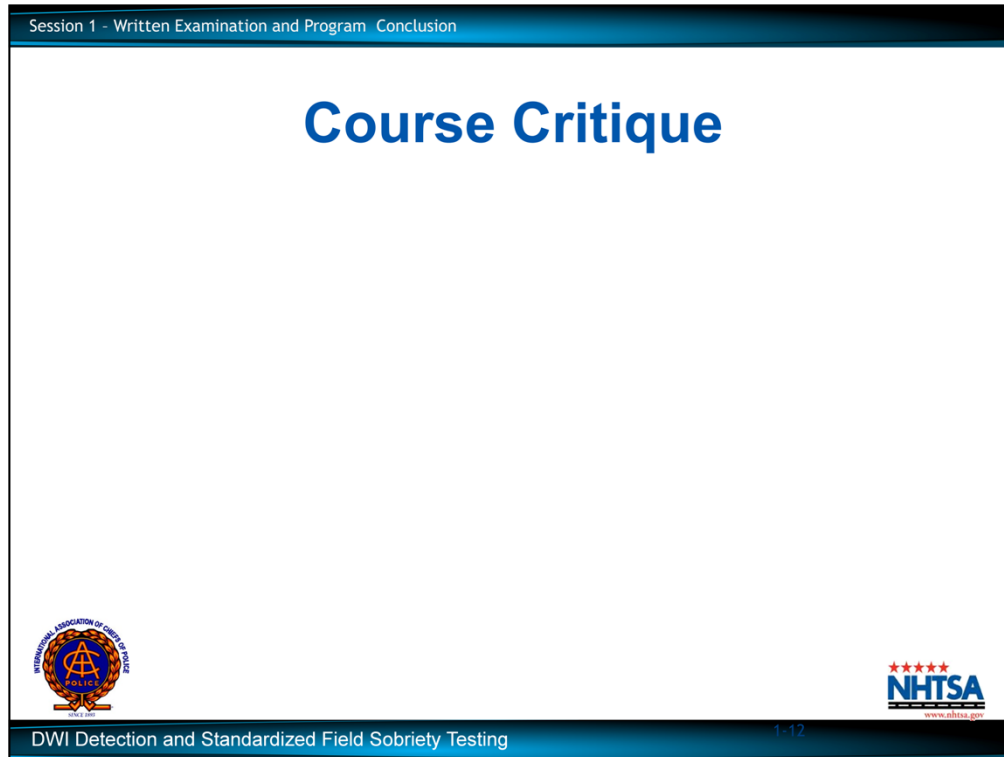
***“Closed book” test. Passing score is 80%.***

***Distribute post tests.***

***Allow participants approximately 17 minutes to complete the post test.***

***Collect completed post tests.***

***Instructors grade post test and redistribute to participants for review.***



## **B. Critique**

Purpose of the critique form: To identify possible improvements that can and should be made to this program.

***Explain to participants that they will be asked to complete -- anonymously -- a critique form. The instructors need their comments and suggestions to help improve the course.***

***Distribute critique forms.***



***Allow participants approximately 8 minutes to complete the critique form.***

***Collect completed critique forms.***



Session 1 - Written Examination and Program Conclusion

# Review of Post Test



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## **C. Review of Post Test**

If passing score is not achieved, participant(s) will be allowed to take “make up” exam.

***Read aloud each question on the post test, and ask class to supply correct answer.***

***Correct class response, as necessary.***

***Explain correct answers briefly, as necessary.***

Session 1 - Written Examination and Program Conclusion

# Ultimate Goal

## Increase DWI Deterrence and Decrease Alcohol Related Crashes, Deaths and Injuries.



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### D. Concluding Remarks

#### **Overall Goal**



***Briefly remind participants of the importance of DWI deterrence.***

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## Job Performance Objectives

You will become better able to:

- Recognize and interpret evidence of DWI violations
- Administer and interpret validated psychophysical standardized field sobriety tests
- Describe DWI evidence clearly and convincingly



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*Express the hope that the participants will strive always to obtain and clearly convey all of the evidence that is present in their DWI contacts.*



### **E. Certificates and Dismissal**

*Hand out certificates.*

*Thank the participants for their time and attention.*

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# QUESTIONS?



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