

STANDARDIZED FIELD SOBRIETY TESTING

Jay Zager

954-709-0033

www.DUIDetective.com

National Highway Traffic Safety Administration (NHTSA)

- SFST's developed in late 1970's
- Laboratory Research
- Large Scale Field Validation Study
- "Psychophysical Tests For DWI Arrests" (1977)
- "Developments and Field Test of Psychophysical Tests For DWI Arrests" (1981)
- "Field Evaluation of a Test Battery for DWI, Research and Development" (1983)

VALIDITY AND RELIABILITY OF STANDARDIZED FIELD SOBRIETY TESTING

1. Administrative Conditions
2. Standardized Procedures
3. Standardized Scoring

The Standardized Field Sobriety Test Battery

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

HORIZONTAL GAZE NYSTAGMUS

- 77% ACCURATE IN DISTINGUISHING SOBER INDIVIDUALS FROM IMPAIRED INDIVIDUALS AS PER THE 1977 STUDY
- A NATURALLY OCCURRING PHENOMENON
- HGN ALSO EXAGGERATED BY OTHER DRUGS AND CONDITIONS

Horizontal Gaze Nystagmus

1. Equal Tracking
2. Equal Pupil Size
3. Lack of Smooth Pursuit
4. *Distinct* Nystagmus at Maximum Deviation
5. Onset of Nystagmus Prior to 45 Degrees

**HORIZONTAL GAZE
NYSTAGMUS (HGN)
TOTAL CLUES -- 6**

**DECISION POINT
4 OR MORE CLUES**

WALK AND TURN TEST

- 68% ACCURATE IN DISTINGUISHING SOBER INDIVIDUALS FROM IMPAIRED INDIVIDUALS
- NOT VALID ON PERSONS 65 YEARS OF AGE OR OLDER
- NOT VALID ON PERSONS 50 LBS. OVERWEIGHT

Walk and Turn Test

1. Starts too Soon
2. Steps Out of Position
3. Steps Off Line
4. Misses Heel to Toe
(more than 1/2")
5. Stops While Walking
6. Improper Turn
7. Wrong Number of
Steps
8. Raises Arms 6
Inches

WALK AND TURN (WAT)
TOTAL CLUES -- 8

DECISION POINT
2 OR MORE CLUES

ONE LEG STAND TEST

- 65% ACCURATE
- NOT VALID ON PERSONS OVER 65
- NOT VALID ON PERSONS 50 LBS.
OVERWEIGHT

One Leg Stand Test

- Sways
- Hops
- Raises Arms Greater Than Six Inches
- Puts Foot Down



**ONE LEG STAND (OLS)
TOTAL CLUES -- 4**

**DECISION POINT
2 OR MORE CLUES**

*"Validation Applies **ONLY** WHEN THE TESTS ARE ADMINISTERED IN THE PRESCRIBED STANDARDIZED MANNER; AND **ONLY** WHEN THE STANDARDIZED CLUES ARE USED TO ASSESS THE SUSPECT'S PERFORMANCE; AND, **ONLY** WHEN THE STANDARDIZED CRITERIA ARE EMPLOYED TO INTERPRET THAT PERFORMANCE"*

1995 NHTSA STUDENT MANUAL, SECTION 8

People v. Bostelman
325 Ill.App.3d 22 (2d Dist. 2001)

- FST'S need not comply with FRYE because they simply measure everyday abilities of the normal average person
- Officer's need not be trained in FST'S
- "So fundamental are such exercises of balance, coordination and basic recognition to the activity of the average person that even a layperson is competent to testify"

State of Ohio v. Homan
(2000) 89 Ohio St. 3rd 421

- Field Sobriety Tests Must **Strictly** Comply with Standardized Procedures to be Admissible or Results Unreliable
- Acknowledges that all experts in DUI apprehension, prosecution and defense agree that reliability of FST's depends on compliance with standards
- Cites extensively from NHTSA studies

U.S. v. Horn
185 F.Supp.2d 530
(Dist. Md. 2002)

- Requires sfst's to be properly conducted
- Requires Officer to be properly trained
- Recognizes unreliability of non-standardized field "tests"
- Bars use of value-added descriptions such as "failed" tests
- Recognizes Court's duty to act as gatekeeper against unreliable evidence

Thank You!

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