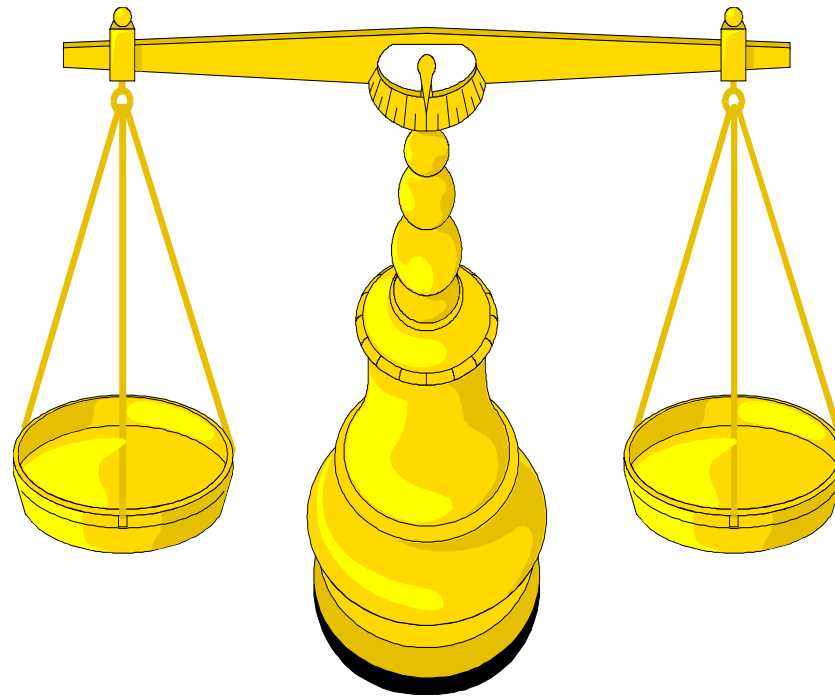


**Day 1 PM:**  
**Illinois State Police**  
**The arrest process and**  
**field sobriety**



# Basic DUI Statute

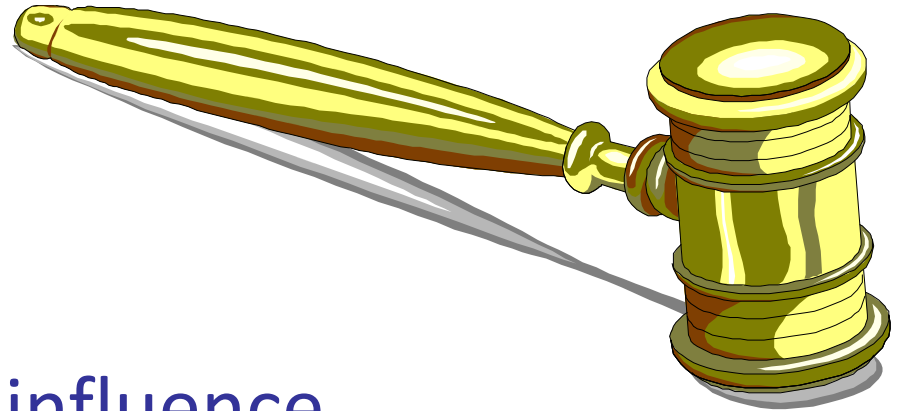
**It is unlawful for any person to...**

- operate or be in actual physical control of ...
- any vehicle ...
- within this state ...
- while under the influence of alcohol and/or any drug.

# Key Features of Implied Consent

- Any person who operates a motor vehicle upon the public highways of this state ...
- Shall be deemed to have given consent to a chemical test ...
- For the purpose of determining the alcohol and/or drug content of that person's blood ...
- When arrested for any acts alleged to have been committed while the person was operating or in actual physical control of a vehicle while under the influence of alcohol and/or any drug.

# Legal Presumptions



\_\_\_\_\_ or more...

Presumed under the influence

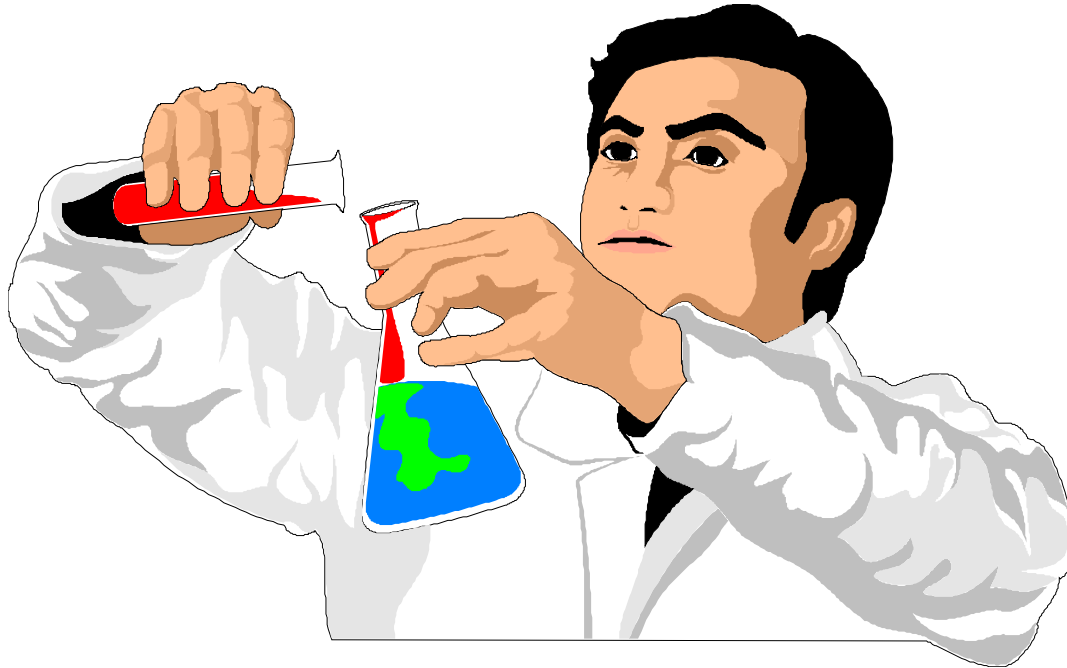
Less than \_\_\_\_\_...

Presumed not under the influence

At least \_\_\_\_\_ but below \_\_\_\_\_

No presumption

# Key Point:



Chemical test evidence is **PRESUMPTIVE**,  
Not Conclusive

# Question Number 1



Is it possible for a person whose BAC is above the state's per se or presumptive level to be acquitted of DWI?

# Question Number 2



Is it possible for a person whose BAC was below the state's per se or presumptive level to be convicted of DWI?

# Illegal “Per Se” Statute



Is it unlawful for any person to...

- operate or be in actual physical control of...
- any vehicle...
- within this state...
- while having a BAC at or above state’s level.



# Phase One: Vehicle In Motion



# Phase One: Vehicle in Motion

Initial Observation  
of the Vehicle  
in Operation

*Should I Stop  
the Vehicle?*

?



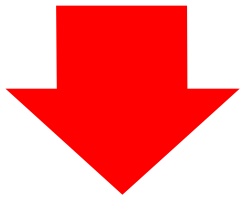
Observation of  
the Stop

# Common Symptoms of Alcohol Influence



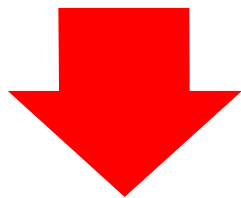
## Blood Alcohol Concentration

0.03



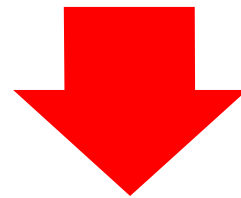
Slowed  
Reaction

0.05



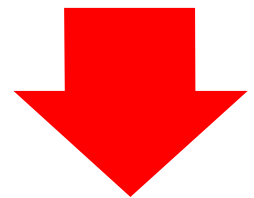
Increased  
Risk  
Taking

0.08



Impaired  
Vision

0.10



Poor  
Coordination

# Most Common and Reliable Initial Indicators of DUI

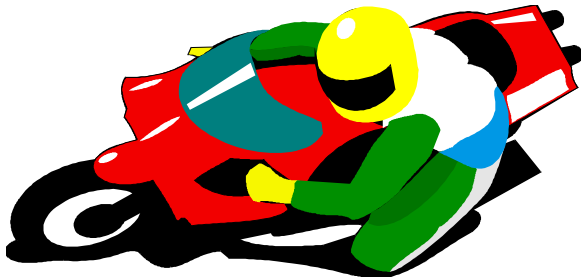
- Turning with wide radius.
- Almost striking object or vehicle.
- Weaving.
- Straddling center or lane marker.
- Appearing to be impaired.
- Driving on other than designated roadway.
- Driving into opposing or crossing traffic.
- Slow response to traffic signals.
- Turning abruptly or illegally.
- Stopping inappropriately.
- Accelerating/decelerating rapidly.
- Headlights off.
- Swerving.
- Following too closely.
- Drifting.
- Speed slower than 10mph below limit.
- Stopping without cause in traffic lane.
- Tires on center or lane marker.
- Braking erratically.
- Signaling inconsistent with driving.



# Motorcycle DUI Detection Guide

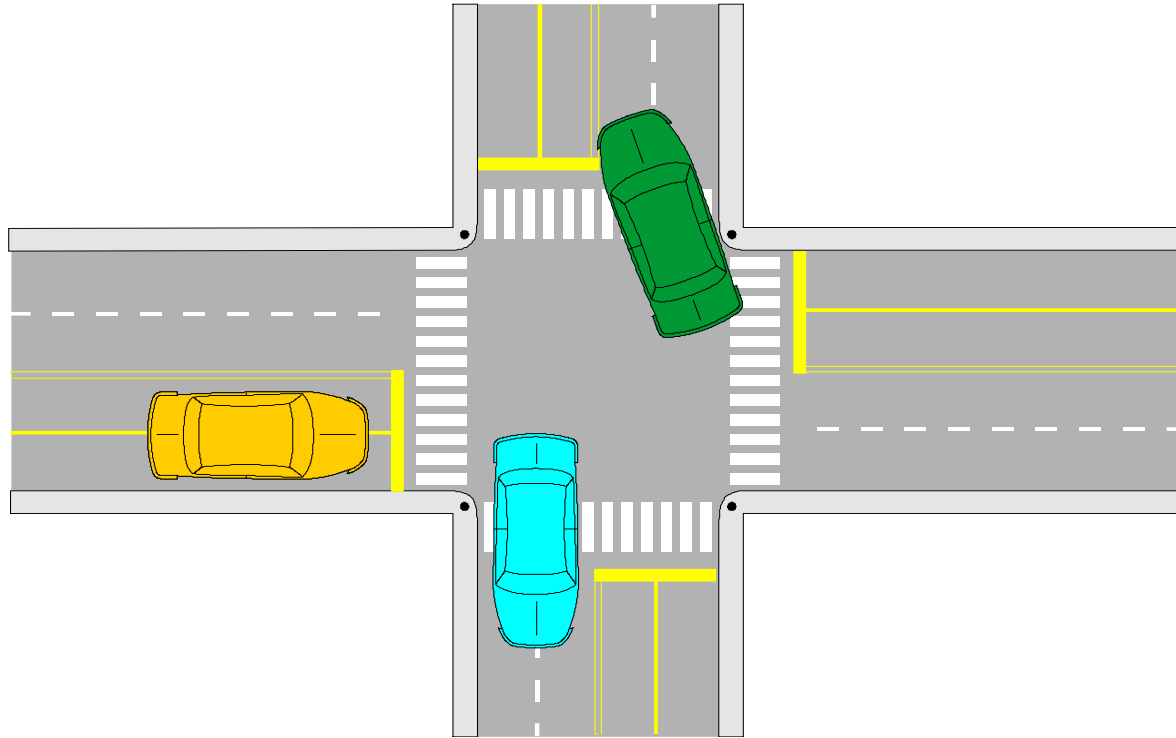
## Excellent Cues (50% or Greater Probability)

- Drifting during turn or curve
- Trouble with dismount
- Trouble with balance at a stop
- Turning problems (e.g., unsteady, sudden corrective, late breaking, improper lean angle)
- Inattentive to surroundings
- Inappropriate or unusual behavior (e.g., carrying or dropping object, urinating at roadside, disorderly conduct, etc.)
- Weaving



## Good Cues (30 to 50% Probability)

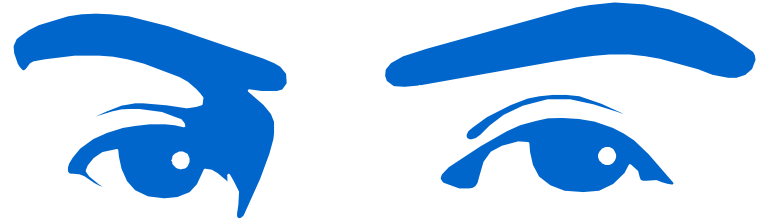
- Erratic movements while going straight
- Operating without lights at night
- Recklessness
- Following too closely
- Running stop light or sign
- Evasion
- Travelling wrong way



***Safe driving demands the ability  
to divide attention among  
numerous simultaneous tasks***

# Vehicle in Motion

*What Do You See?*



Moving Violation?  
Equipment Violation?  
Other Violation?  
Unusual Operation?  
Anything Else?

# Phase One: Task One

## Initial Observation of Vehicle Operation

### Requires the Ability to:

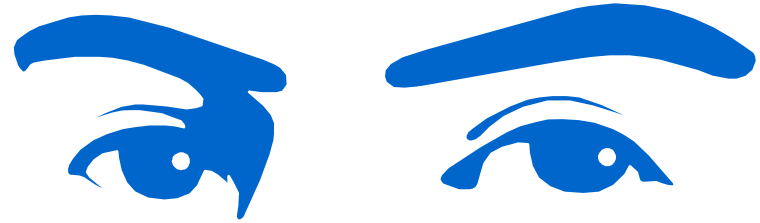
1. Recognize evidence of alcohol and/or other drug influence
2. Describe that evidence clearly and convincingly





# Vehicle in Motion

*What Do You See?*



Tries to Flee?  
No Response?  
Slow Response?  
Abrupt Weave?



Sudden Stop?  
Strikes Curb?  
New Violations?  
Anything Else?

# Phase One: Task Two

## Observation of the Stop

### Requires the Ability to:

1. Recognize evidence of alcohol and/or other drug influence
2. Describe that evidence clearly and convincingly



# Phase Two: Personal Contact



# Phase Two: Personal Contact

Interview and  
Observation  
of the Driver



?



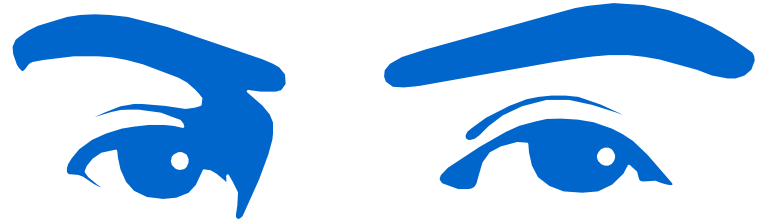
Observation of  
the Exit

*Should  
Driver  
Exit?*



# Personal Contact

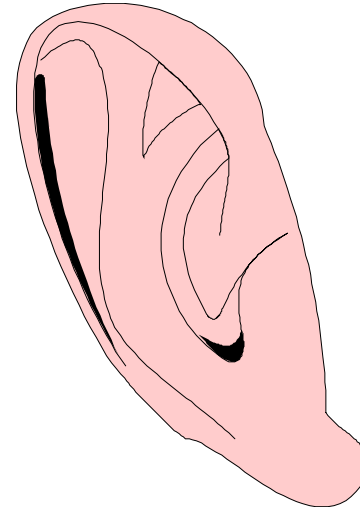
*What Do You See?*



- Bloodshot Eyes?
- Soiled Clothing?
- Fumbling Fingers?
- Alcohol Containers?
- Drug and drug paraphernalia?
- Bruises, Bumps, Scratches?
- Unusual Actions?

# Personal Contact

*What Do You **Hear**?*



Slurred Speech?  
Admission of Drinking?  
Inconsistent Responses?  
Unusual Statements?  
Abusive Language?  
Anything Else?

# Personal Contact

*What Do You **Smell**?*

Alcoholic Beverage?  
“Cover-Up” Odors?  
Marijuana?  
Other Unusual Odors?

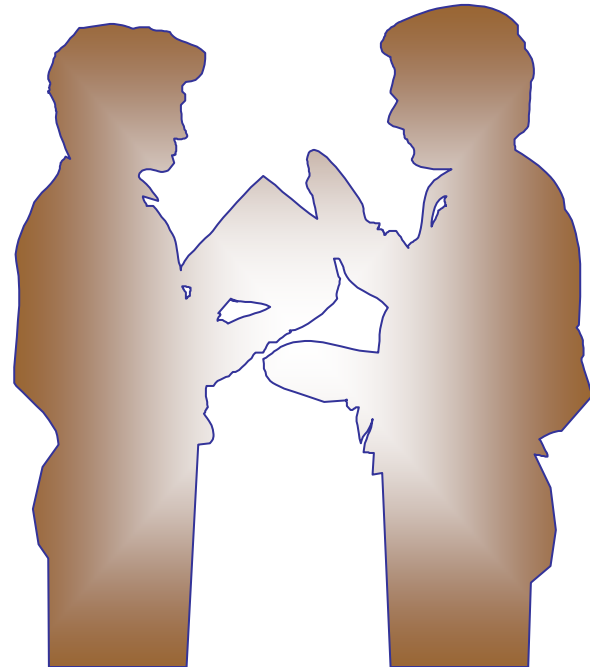


# Phase Two: Task One

## Face-to-Face Observation and Interview of Suspect

Requires the Ability to:

1. Recognize the sensory evidence of alcohol and/or other drug influence
2. Describe the evidence clearly and convincingly





# Interview/Questioning Techniques

- **Simultaneously** request license and registration
- Pose **distracting/interrupting** questions during license search
- Pose **unusual** questions to verify license information

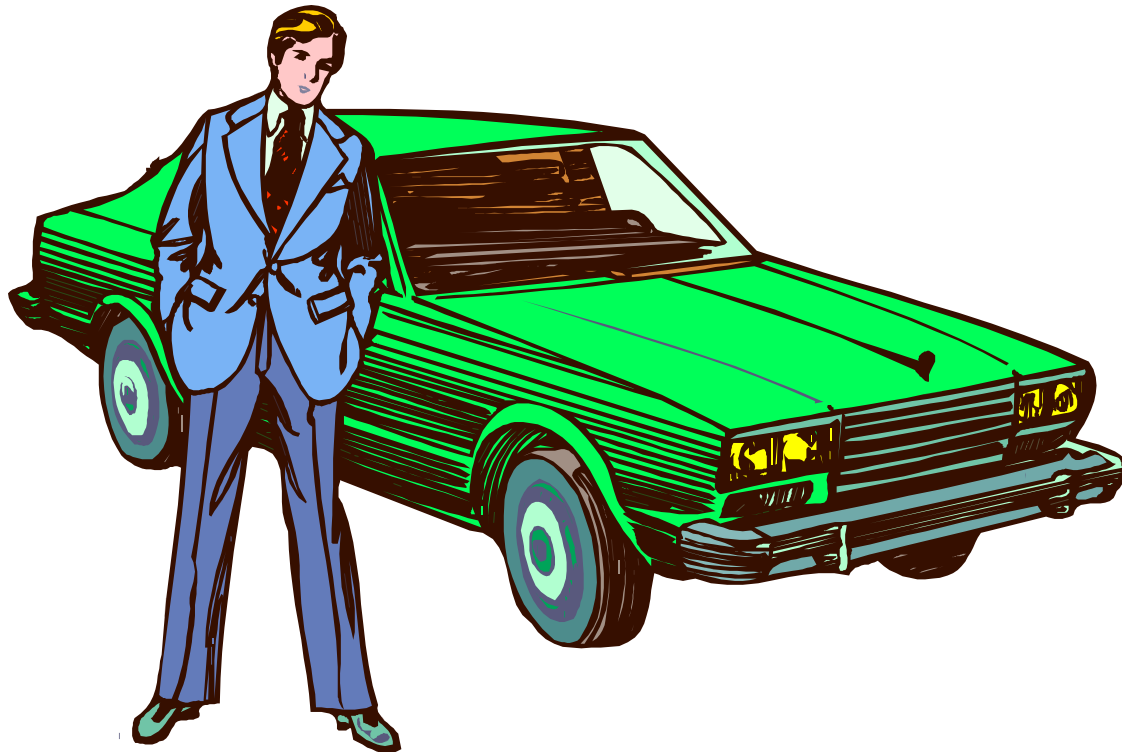
# The Exit

*What Do You See?*

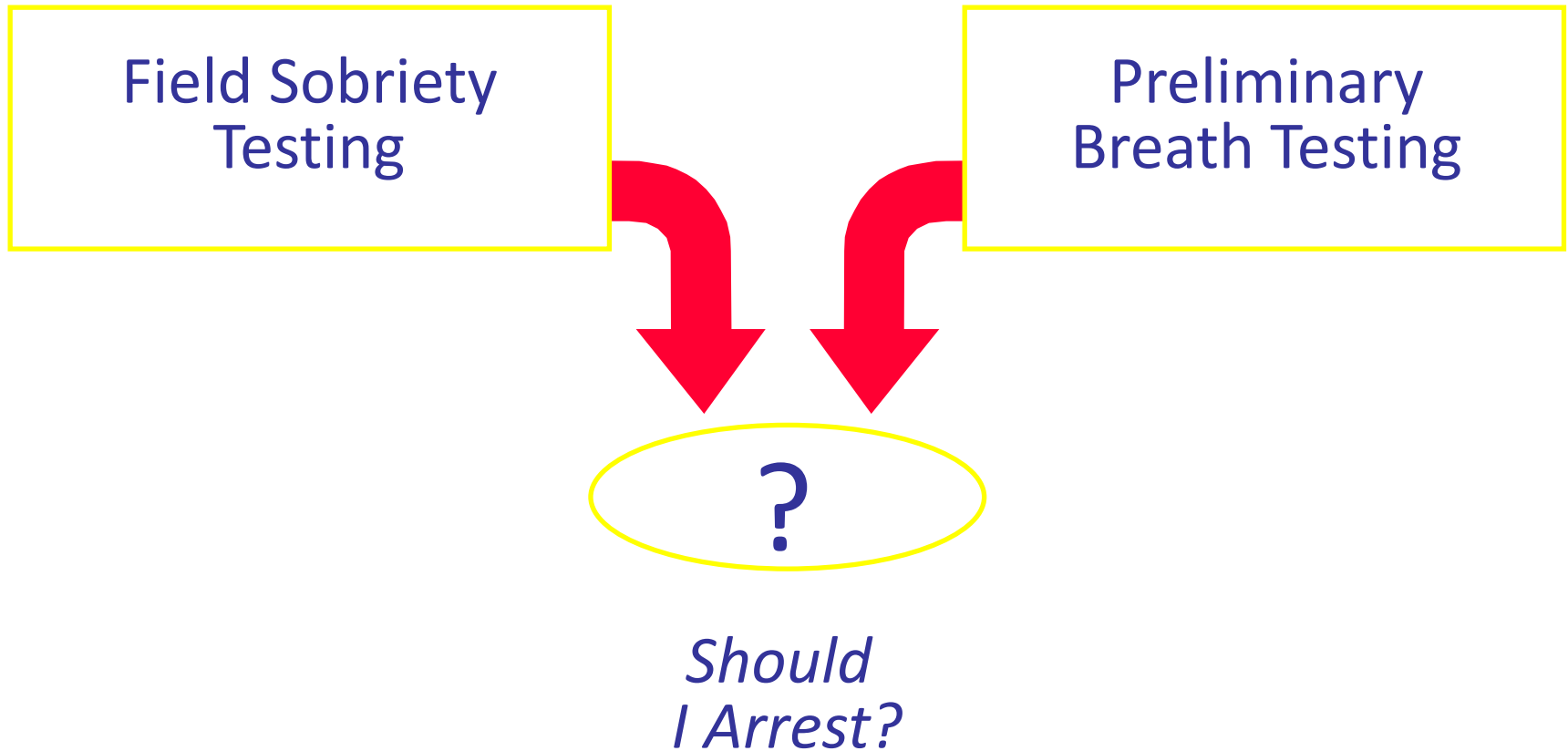


Angry, Unusual Reaction?  
Can't Follow Directions?  
Can't Open Door?  
Leaves Car in Gear?  
"Climbs" Out of Car?  
Leans Against Car?  
Keeps Hand on Car?  
Anything Else?

# Phase Three: Pre-Arrest Screening



# Phase Three: Pre-Arrest Screening



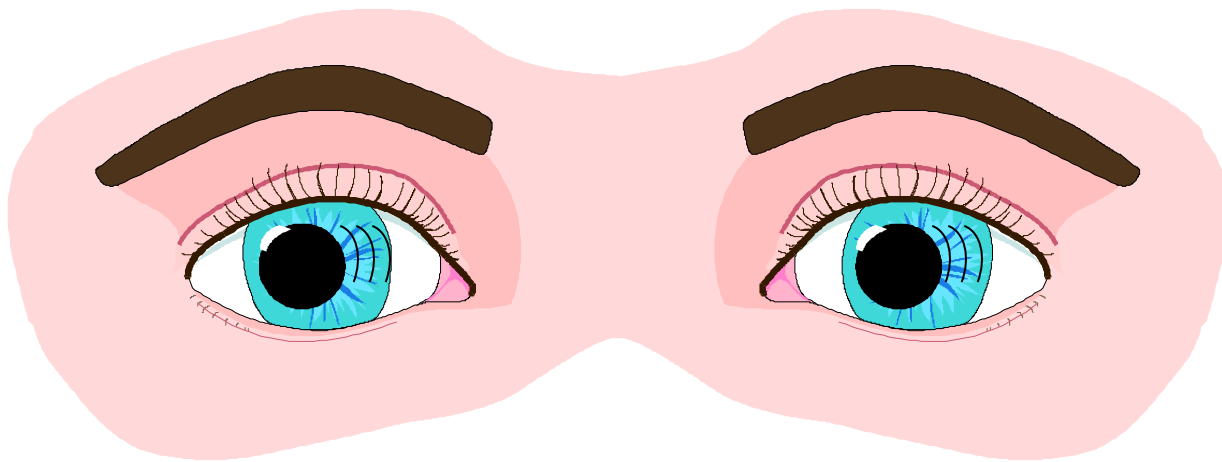
# Psychophysical Tests



***Methods of examining  
mental and/or physical impairment***

# Nystagmus:

## Involuntary Jerking of the Eyes



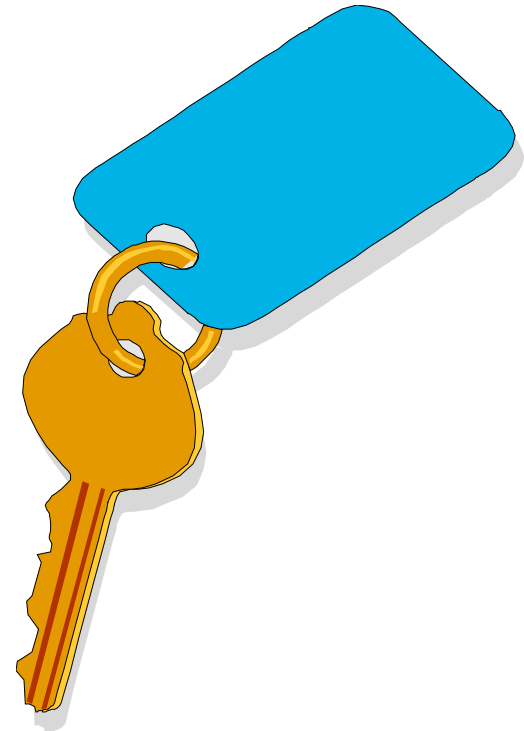
# “Divided Attention”



...Concentrating on more than one thing at a time (mental tasks and physical tasks)

# Typical Simultaneous Capabilities Required for Driving

- Information Processing
- Short-term Memory
- Judgment/Decision Making
- Balance
- Quick Reactions
- Clear Vision
- Small-Muscle Control
- Coordination of Limbs





# Simplicity

Is it Reasonable to Assume That, If Sober...

Anyone Like **The Suspect**

You

The Judge

The Jurors

The Suspect



...Would “Pass” the Test?

# Walk and Turn (Divided Attention Test)

- Instructions Stage
- Walking Stage



# One Leg Stand (Divided Attention Test)

- Instructions Stage
- Balance and Counting Stage



# **Basic Purpose of Preliminary Breath Testing**

**Demonstrate Association of Alcohol  
with the Observable Evidence of  
the Suspect's Impairment**

# Advantages of PBT

- Corroborate other evidence
- Confirm officer's judgment
- Confirm alcohol as cause of impairment
- Help establish probable cause for DWI arrest



# Possible Factors Affecting Preliminary Breath Tests

- Breath sample composition
- Breath sample cooling
- Residual mouth alcohol
- Contaminants in the breath
- Radio frequency interference

# The Arrest Decision is Based on **All Evidence** Accumulated During All Three Detection Phases

Initial Observation of  
Vehicle Operation

Observation of  
the Stop

Face-to-Face  
Observation  
and  
Interview

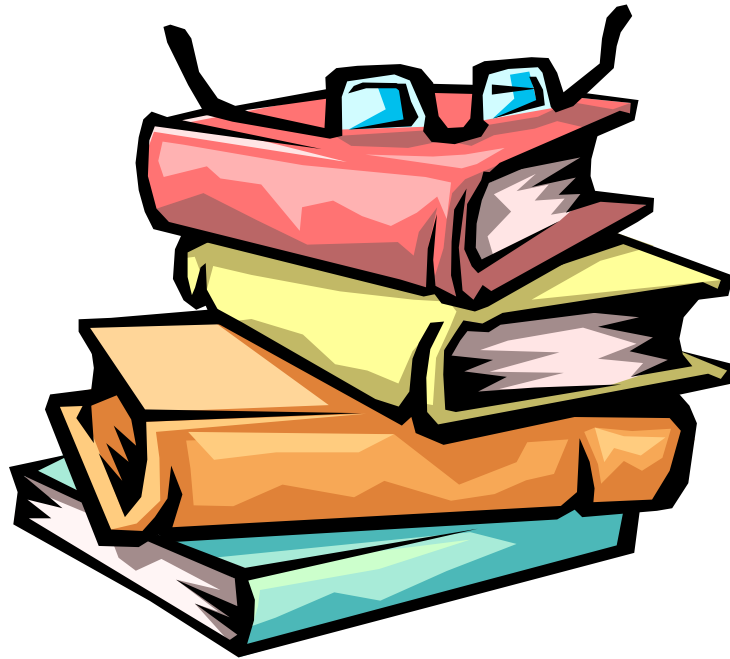


Observation  
of the  
Exit

Psychophysical  
Tests

Preliminary  
Breath Tests

# Concepts and Principles of the Standardized Field Sobriety Tests (SFST)





# **Overview:**

## **Development and Validation**

**NHTSA Research Began in 1975 in California  
With Three Final Reports Being Published:**

- 1. California: 1977 (lab study only)**
- 2. California: 1981 (lab/field study)**
- 3. Maryland, Washington, DC, Virginia, North  
Carolina: 1983 (field study only)**

# Original Research Objectives

- **To evaluate currently used physical coordination tests to determine their relationship to intoxication and driving impairment.**
- **To develop more sensitive tests that would provide more reliable evidence of impairment.**
- **To standardize the tests and observations.**

# Volunteers were Subjected to Six Tests:

1. One-leg stand
2. Finger to nose
3. Finger count
4. Walk and turn
5. Tracing (a paper and pencil exercise)
6. Nystagmus (called alcohol gaze nystagmus in final report)

# Laboratory Test Data

## Results

- **HGN by itself was 77% accurate.**
- **Walk and Turn was 68% accurate.**
- **One Leg Stand was 65% accurate.**
- **It would be possible to combine the results of HGN and Walk and Turn and be 80% accurate.**

# “Standardized” Elements

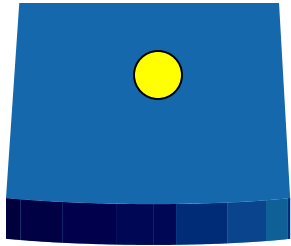
- **Standardized Administrative Procedures**
- **Standardized Clues**
- **Standardized Criteria**

# Importance of Large Scale Field Validation Study

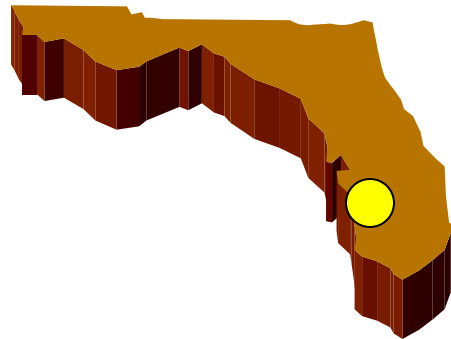
- **First significant assessment of the workability of the standardized tests under actual enforcement conditions.**
- **First time completely objective clues and scoring criteria had been defined for the tests.**
- **Results of the study validated the SFSTs.**

# SFST

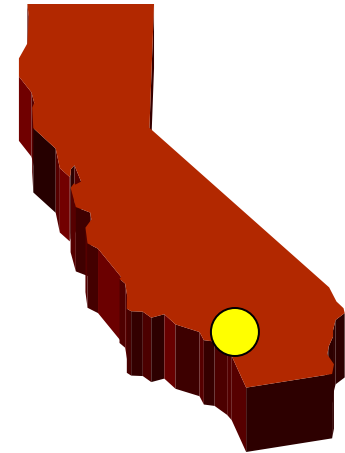
## Field Validation Studies



Colorado  
1995



Florida  
1997



San Diego, California  
1998

# Colorado Field Validation Study of SFST

- **First full field validation study using SFST experienced law enforcement personnel.**
- **93% correct arrest decision based on three-test battery (HGN, WAT, OLS).**



# Florida Field Validation Study of SFST

- **95% correct arrest decision based on three-test battery (HGN, WAT, OLS).**
- **Validated SFST's at 0.08 BAC and above.**

# San Diego Field Validation Study of SFST

- **91% correct arrest decision for 0.08 BAC and above using three-test battery (HGN, WAT, OLS).**
- **HGN is still most reliable of three-test battery and supports arrest decisions at 0.08 BAC.**

# Horizontal Gaze Nystagmus



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

# Categories of Nystagmus

- **Vestibular**
  - Rotational
  - Post-rotational
  - Caloric
  - Positional alcohol nystagmus
- **Neural**
  - Optokinetic
  - Physiological
  - Gaze
    - Horizontal
    - Vertical
    - Resting
- **Pathological disorders and diseases**

# Administrative Procedures

**1. Eyeglasses**

**2. Verbal instructions**

**3. Position object (12-15 inches) (30-38 cm)**

**4. Pupil size and resting nystagmus**

**5. Equal tracking**



# Administrative Procedures

**6. Check for lack of smooth pursuit**



**7. Check for distinct and sustained nystagmus at maximum deviation**

**8. Check for onset of nystagmus prior to 45 degrees**

**9. Total the clues**

**10. Check for Vertical Gaze Nystagmus**

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

# Three Clues of Horizontal Gaze Nystagmus

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

# Clue Number 1



**Lack of smooth pursuit**



# Clue Number 2

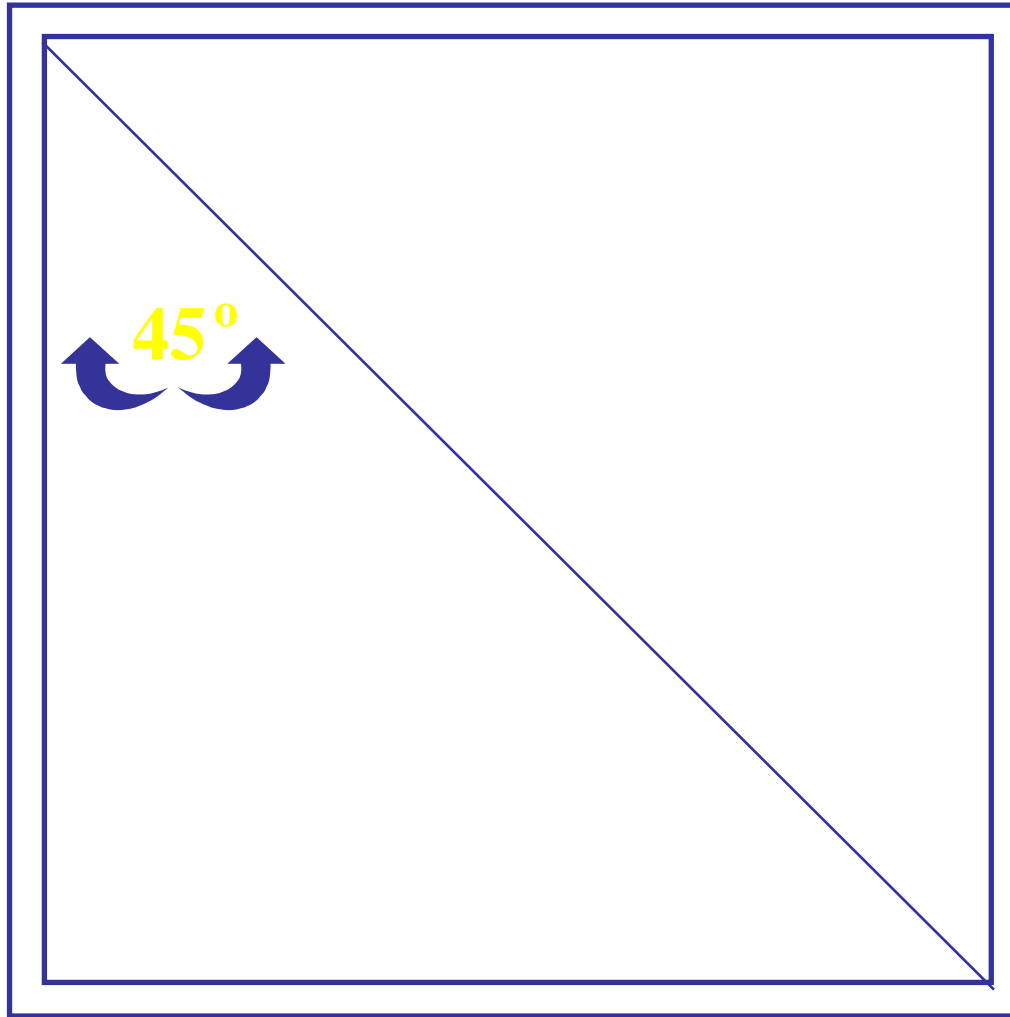


**Distinct and sustained  
nystagmus at maximum deviation**

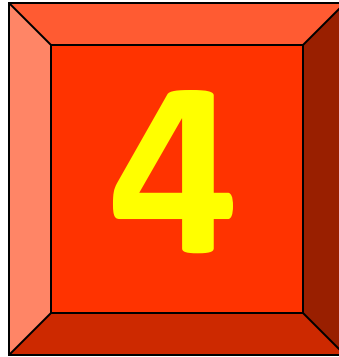
# Clue Number 3



**Onset of nystagmus prior to 45 degrees**



# Horizontal Gaze Nystagmus Test Criterion



**4 or more clues indicates BAC above 0.10  
(77% accurate)**

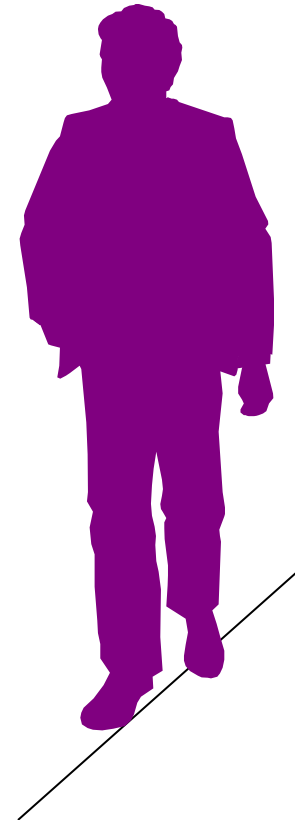
# Vertical Gaze Nystagmus



# Walk and Turn

(Divided Attention Test -  
Mental Task and Physical Task)

- Instructions Stage
- Walking Stage



# Administrative Procedures

## 1. Verbal Instructions:

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

## 2. 9 heel-to-toe Steps, Turn, 9 heel-to-toe Steps

## 3. Turn Procedures:

- Turn around on line
- Several small steps

## 4. While Walking:

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

# Walk and Turn Test Clues

- 1. Can't balance during instructions**
- 2. Starts too soon**
- 3. Stops while walking**
- 4. Doesn't touch heel-to-toe**



# Walk and Turn Test Clues

**5. Steps off line**

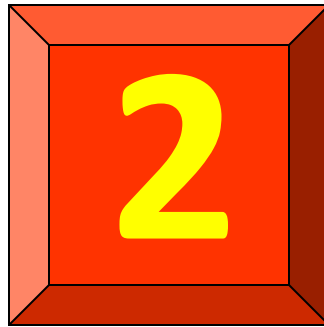
**6. Uses arms to balance**

**7. Improper turn (or loses balance on turn)**

**8. Wrong number of steps**

Note: If suspect can't do the test, record observed clues and document the reason for not completing the test.

# Walk and Turn Test Criterion



2 or more clues indicates BAC above 0.10  
(68% accurate)

# One-Leg Stand

(Divided Attention Test -  
Mental Task and Physical Task)

- Instructions Stage
- Balance and Counting Stage



# Administrative Procedures

## Instructions Stage:

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

# Administrative Procedures

## Balance and Counting Stage:

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

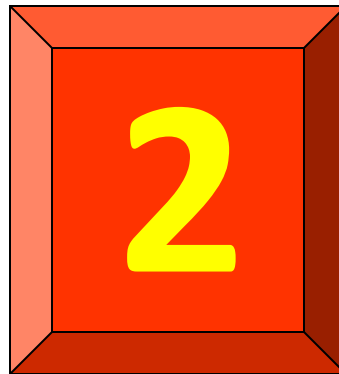
Note: It's important for the officer to time the 30 second count for the test.

# One-Leg Stand Test Clues

- **Sways while balancing**
- **Uses arms to balance**
- **Hops**
- **Puts foot down**

Note: If suspect can't do the test, record observed clues and document the reason for not completing the test.

# One-Leg Stand Test Criterion



**2 or more clues indicates BAC above 0.10  
(65% accurate)**

**Any Questions?**