

***Standardized Field Sobriety Tests  
Is Current Training Enough?***

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Many articles have been written on the validity of Standardized Field Sobriety Testing. There are articles about how to beat the tests, lawyer websites advising against cooperation and articles questioning the accuracy of these tests. Because of all the negative feedback, officers need to be very careful in their documentation as well as their techniques in performing the Standardized Field Sobriety Tests. Do officers have enough training in this area? Are officers offered re-fresher courses in DWI techniques? Is there any regulations stating how much training is needed in order to perform SFST effectively?

It is important for officers to be able to identify possible inebriated drivers. Statistically, drunk drivers accounted for about 41% of all traffic fatalities in 2002. That is an average of one fatality every thirty minutes. In Arkansas, there were 242 deaths related to alcohol which is a total of 38% of all traffic fatalities.(MADD, 2002) It has been shown that the more training an officer has in spotting inebriated drivers, he is more likely to pull over these vehicles and perform SFST's to determine if he has probable cause to arrest a person.

In this paper I will discuss the history of Standardized Field Sobriety Tests, what is included in Standardized Field Sobriety Testing, the type of training

officers receive and the relationship between SFST and DWI arrests.

## **ORIGINATION OF STANDARDIZED FIELD SOBRIETY TESTING**

The standardized field sobriety test was developed in the late 1970's by the National Highway Traffic Safety Administration (NHTSA) in an effort to improve the fatality rate on highways due to drunk driving. In the late 60's and early 70's more than one-half of fatalities on our nations highways involved alcohol impaired drivers (Stuster, Introduction, 2001).

The NHTSA wanted to provide law enforcement officers with useful information and training to help enforce drinking and driving laws. They began by listing 20 driving cues and the probabilities that a driver exhibiting a cue would have a blood alcohol content of at least 0.10%. Some of these cues are turning with a wide radius, straddling the center of a lane marker, appearing drunk, driving more than 10 mph below the speed limit, and stopping without cause in a traffic lane.

Simultaneously, the NHTSA was working on developing a standardized battery of tests for law enforcement officers to administer in order to assess driver impairment after a stop is made. There were many different tests analyzed, and in

1981 the NHTSA published the Standardized Field Sobriety Tests. (Stuster, Introduction, 2001)

There are many articles published questioning the credibility of Standardized Field Sobriety Tests. In most states the information gained from the testing is admissible in a court of law; it is considered reliable because a law enforcement officer is regarded as an expert in a non-scientific category for which no expert testimony is required. (Connor, p.1) In other states, if the field sobriety testing has been deviated even slightly the results are inadmissible in court.

## **STANDARDIZED FIELD SOBRIETY TESTS**

The SFST consist of three tests: Horizontal Gaze Nystagmus (HGN), Walk & Turn (WAT) , and One-Leg Stand(OLS). Law enforcement officers follow a certain criteria in order for the SFST to stand -up in court. In order for the SFST to be valid all of these tests must be something an average sober person can perform successfully. This creates an objective test rather than subjective test.

Let us take each one of these tests and discuss how to perform and score them.

**Horizontal Glaze Nystagmus:** What is nystagmus? It is the involuntary

jerking of the eye. This jerking becomes more obvious as the amount of alcohol increases in the bloodstream. The test has many factors to evaluate if a person is possibility inebriated.(DWI, pg.3)

First, an officer must check to see if the person can follow an object with both eyes. If the eyes do not track together this could indicate a medical disorder, injury or blindness. They need to check if the pupils are of equal size. If they aren't, this may indicate a head injury. If a person has an obvious eye disorder this test is not administered. After determining the eyes move together, then eye glasses need to be removed. Contacts do not have to be removed. Documentation of the presence of contacts is required.(DWI, p. 3-4)

The administrative procedures of HGN are:

1. Check eyeglasses/contacts
2. Verbal Instruction
3. Positioning of object (12-15" away from face)
4. Tracking ability
5. Check pupil size
6. Lack of smooth pursuit (2pts)
7. Distinct Nystagmus at maximum deviation (2 pts. )
8. Angle of onset of nystagmus prior to 45 degrees (2 pts.)

9. Total the Clues
10. Vertical Gaze Nystagmus

After all these steps have been completed, the officer then can score this test. If , between the two eyes, four or more clues appear, the suspect likely has a BAC of 0.08 or greater. (DWI, p.8-9)

**Walk and Turn:** The walk and turn test should be performed on a hard, dry level non-slipping surface with room for completion of the nine step test. This test is considered a Divided Attention Test because it divides attention between mental and physical tasks.

The physical tasks include balance and coordination while mentally comprehending verbal instructions, processing of information and recall of memory. This test is scored in two stages.

The first stage is the instruction stage. An officer must verbally tell the person to place his left foot on the line and the officer has to demonstrate this procedure. Next, the person is told to place his right foot on the line ahead of the left foot with the heel of the right foot against the toe of the left foot. This also needs to be demonstrated by the officer. Inform the person to keep his arms to the side, and to keep this position until they are told to begin the tests. The person must then indicate whether or not he understands the test.

There are two scoring factors to assess during the instruction phase. First, the officer should make sure the person being tested maintains the heel-to-toe position throughout the instructions. Then, the officer should observe whether or not he begins walking before being instructed to do so.

The second stage of this test is the walking stage. The person is told to take nine heel-to-toe steps down the line, turn around using several small steps, resume heel-to-toe position and take nine steps back. Then the officer demonstrates this. The person is instructed to keep his arms at his sides, watch his feet and count his steps out loud.

There are six scoring factors observed during the walking phase:

1. Stopping while walking to steady self
2. Not touching heel to toe
3. If person steps off line
4. Raising one or both arms more than 6" from side to maintain balance
5. Losing balance while turning
6. Taking incorrect amount of steps

If a person receives a minimum of two points, this can be considered probable cause for DWI. (DWI, p. 9-12)

**ONE LEG STAND:** The one leg stand must be performed on a reasonably

level and smooth surface with adequate lighting. The officer needs to be three feet away and remain as motionless as possible. This test should not be performed if the person being tested has a medical condition that would prevent him from completing the test.

This test is divided into two stages. The first stage is called the instruction stage and is initiated by the officer giving verbal instructions and a demonstration. The person is told not to begin until he is instructed to and is asked if he understands what to do. Documentation of his understanding is required.

The balance and counting is the second stage. During this stage a person is instructed to raise one leg approximately 6" with toes pointed out. The person is then instructed to keep both legs straight and arms at sides. While in this position, he counts aloud for thirty seconds, one-thousand one, one thousand two, etc. until he is instructed to stop. The person is told to keep his arms to his sides and watch his raised foot throughout the test. These steps must be demonstrated, and the person must acknowledge understanding.

Points are scored for marked swaying, using arms for balance, putting foot down more than three times, and hopping on one foot. No points are assessed for not following instructions or counting too fast or slow.

The numeric values are only important to an officer to determine probable



cause. They are not sufficient for a DWI conviction. These tests are only valid when the tests are administered in the prescribed standardized manner, the standardized clues are used to assess the person's performance, and the standardized criteria is employed to interpret that performance.(DWI, p. 12-14)

Looking at the complexity of these procedures, one would assume that an officer would need many hours of training in order to document and perform these tasks. However, one can conclude from the information in this report that this is not necessarily the case.

## **OFFICER TRAINING**

Training for DWI detection varies between states as well as communities. On average, the bigger the city and more diverse the department the more DWI training is provided for an officer.

Every officer receives some training during his time at the police academy. In Arkansas, the Arkansas Law Enforcement Training Academy (ALETA) has only five hours of training built into their basic program. This includes classroom time as well as practical training. (pg.1) In contrast, the national average is eight hours of training in the basic training program.(Simpson, p. 50)

Is this enough training for an officer to be proficient in the SFST or in

initiating a DWI arrest? To help answer these questions, a study conducted by the Traffic Injury Research Foundation surveyed more than 2700 law enforcement officers across the country about problems with DWI arrests. One primary concern for officers is the complexity of the DWI process. It has become so detailed and time-consuming that it is frustrating and even intimidating to some officers. On average the paperwork for a DWI arrest takes 2-3 hours provided an officer is not interrupted to take others calls. Substantial patrol time is lost, especially for an officer in a small department. (Simpson, p. xi-xii)

Officers also noted that increased opportunities for experience and enhanced training would be beneficial. About one-third of officers say that to identify drunk drivers one must have experience. The typical eight hours of training in the academy is not sufficient to fully educate officers. One-fourth of officers cite the best way to detect offenders is the SFST and more training is needed in this field.

Thirty-two percent surveyed would like more training in SFST application; 24% would like more training in HGN testing. Many believe this training would have a substantial impact in eliminating drunk drivers from the nations highways. Of the officers surveyed, 58% with 1-5 years of experience reported they would make more DWI arrests if they had more training and 45% with 6-10 years experience would do the same. (Simpson, p. 51)

Why would officers with so many years of service want continued education? Maybe a comment from the International Association of Chiefs of Police (IACP) can help. The IACP adopted uniform procedures in 1992 to guide the training of SFST instructors and practitioners. Those standards include 24 hours of NHTSA-approved SFST instruction. The procedures for administering and interpreting SFST results can be readily learned, and proficiency generally increases with experience. However, it is possible for SFST skills to decline if they are not exercised regularly; in addition, if modifications are made to the standardized procedures without the officers being informed, it could result in officers administering SFST's according to outdated protocols. For these reasons, NHTSA recommends that law enforcement agencies conduct refresher training for SFST instructors and practitioners. (Stuster, p.4) Because these skills can be lost or compromised without use the need for continued training exists.

Almost one-half of all officers support the idea of on-the-job training with an experienced field training officer in DWI detection. The officers feel it's best to train new recruits to effectively use the appropriate techniques and give them guided experience. Approximately one-third of officers would be interested in participating in periodic workshops or conferences on refreshing and improving their own

detection skills.(Simpson, p.51)

Most officers are willing to help and participate in more training in DWI detection. Training needs to be an ongoing process. Unfortunately, most departments are not able to afford the loss of man power, or they simply do not have enough money to pay for this type of training.

The state of Colorado has developed a unique program that addresses the problem of funding for DWI training. The program is known as the Law Enforcement Assistance Fund (LEAF). Approximately ninety dollars from each DWI fine paid in Colorado is allocated to LEAF for disbursement to municipal and county law enforcement agencies in the form of grants to help support DWI enforcement activities. More than 20 million dollars in LEAF grants have been awarded since the program began in 1984. Two of the criteria for receiving LEAF grants are that an agency must have at least 80 percent of its officers trained in SFST administration, and the agency must conduct SFST refresher training according to the state standard.

This system has worked well in Colorado and has alleviated a burden of finding financial means to support additional DWI training. (Stuster, research 1)

## **RELATIONSHIP BETWEEN SFST AND DWI ARRESTS**

In a 1981 study by NHTSA , they found an officer using the SFST was able to predict whether a person's alcohol level was at or above 0.10 approximately 81% of the time. Since then, the standards for DWI have been lowered to 0.08, and subsequently a new test was conducted to see how accurate SFSTs are now. It showed the overall accuracy on the SFST battery was 91%. See chart below for a breakdown of each test.(Stuster, p.3)

**Comparison of SFST Accuracy  
during the 1981 and 1998 Validation Studies**

SFST	% Correct Decisions 1981	% Correct Decisions 1998
SFST 1981 & 1998 SFST Battery (the 3 tests combined)	81	91
Horizontal Gaze Nystagmus	77	88
Walk-and-Turn	68	79
One-Leg Stand	65	83

As the above table shows, the more the SFSTs are used, the proficiency of the law enforcement community has increased.

## **CONCLUSION**

The Standardized Field Sobriety Tests are a simple but complex set of procedures that law enforcement officers must adhere to. Most officers agree that there is a need for more training outside of basic academy instruction. Most new recruits are teamed with a Field Training Officer after academy to help them learn the reality of law enforcement. DWI training is a vital and essential part of a recruits training since they receive, on average, only eight hours of training in this area.

The SFST's are easy to learn, but the DWI process as a whole is very technical and has to adhere to certain strict procedures in order to advance to the

Prosecuting Stage. Statistics show a high level of accuracy in the SFSTs in predicting a DWI suspect, but these skills can decline over time. It is highly recommended that all officers receive refresher courses in DWI detection. Most officers are willing to go to continuing education classes in order to improve their ability to enforce SWI laws and enhance their skills in SFSTs.

Unfortunately, the resources, both manpower and financial, are not available to officers. Until a uniform system can be established or more grants made available for this type of training, officers will not receive the quality of training they need to become more proficient in the area of SFST.

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