

## 2023 Magistrates' Spring Conference

# Understanding Standardized Field Sobriety Testing

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## DWI Detection & Standardized Field Sobriety Testing

The entire process of identifying and gathering evidence to determine if a subject should be arrested for a DWI violation.



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## DWI Detection Phases

- **Phase One: Vehicle in Motion**
  - Should I stop the vehicle?
- **Phase Two: Personal Contact**
  - Should the driver exit?
- **Phase Three: Pre-arrest Screening**
  - Is there probable cause to arrest the suspect for DWI?



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## The Arrest Decision



- DWI detection process concludes with arrest decision
- Based on all evidence obtained during all three detection phases

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## Standardized Field Sobriety Tests

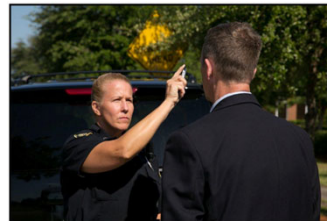
- Horizontal Gaze Nystagmus
- Walk and Turn
- One Leg Stand

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## Horizontal Gaze Nystagmus- HGN

**Involuntary jerking of the eyes as they gaze from side-to-side**

- Reliable
- Involuntary
- Noticeable
- As AC increases, eyes begin to jerk sooner as they move to the side
- Caused by Alcohol and certain category of drug
  - CNS Depressants, Inhalants, Dissociative Anesthetics



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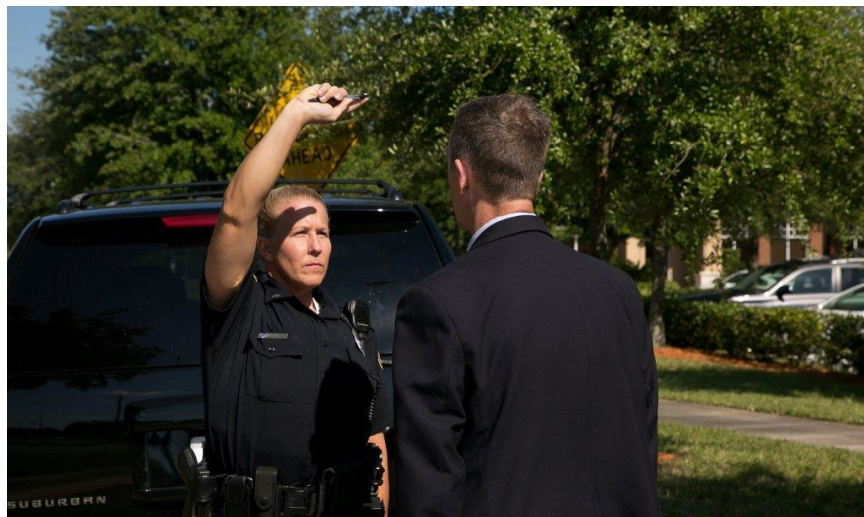
# HGN



- **Medical Rule Out**
  - Equal Pupil Size, Resting Nystagmus, Equal Tracking
- **Maximum three clues per eye**
  - Lack of Smooth Pursuit
  - Distinct & Sustained Nystagmus at Maximum Deviation
  - Onset of Nystagmus prior to 45 degrees
- **Six clues maximum**
- **88% accurate detecting subjects  $\geq 0.08$  BAC**

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## HGN Demonstration



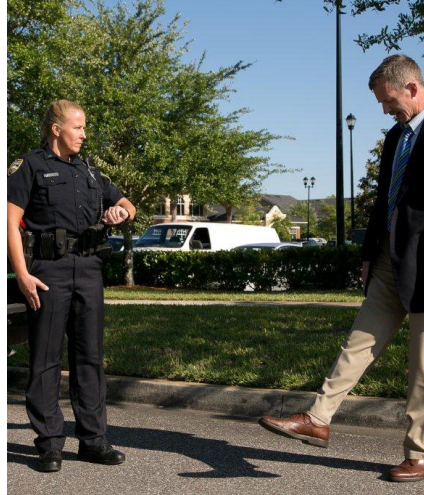
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## Divided Attention Tests

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



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## Typical Simultaneous Capabilities Required for Driving

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

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## Two Divided Attention Field Sobriety Tests

### Walk and Turn



### One Leg Stand



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## Walk and Turn

- **Validated by NHTSA**
- **79% accurate detecting 0.08 BAC**
- **Two stages:**
  - **Instruction Stage**
  - **Walking Stage**

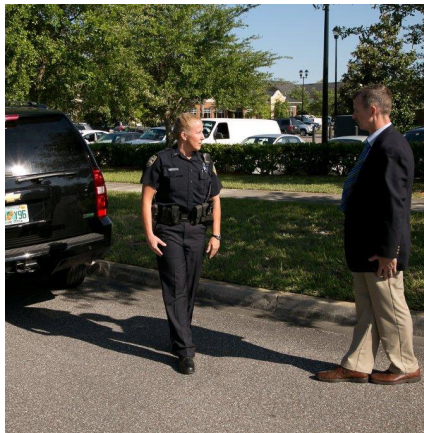
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## WAT – Instruction Stage

- **Divides subject's attention**
  - Balancing
  - Information processing
- **Subject stands with feet in heel-to-toe position**
- **Arms at side**
- **Listen to instructions**

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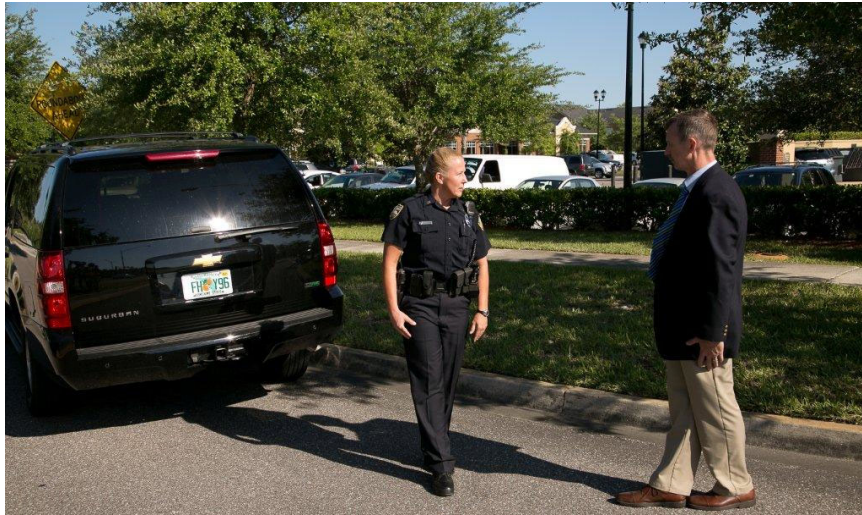
## WAT – Walking Stage



- Divides subject's attention
  - Balancing
  - Small muscle control
  - Short term memory

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## WAT Demonstration



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## WAT Test Clues

1. **Cannot keep balance while listening to the instructions**
2. **Starts too soon**
3. **Stops while walking**
4. **Does not touch heel-to-toe**
5. **Steps off the line**
6. **Uses arms to balance**
7. **Improper turn**
8. **Incorrect number of steps**

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## One Leg Stand

- Validated by NHTSA
- 83% accurate detecting 0.08 BAC
- Two stages:
  - Instruction Stage
  - Balance and Counting Stage

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## OLS – Instruction Stage



- Divides subject's attention
- Balancing
- Information processing

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## Balance and Counting Stage

- Divides subject's attention
  - Balancing task
  - Information processing
- 30 second timing is important!

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## OLS Demonstration



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## OLS Test Clues

1. Sways while balancing
2. Uses arms to balance
3. Hopping
4. Puts foot down

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## Preliminary Breath Test (PBT) or Alcohol Screening Test Device (ASTD)

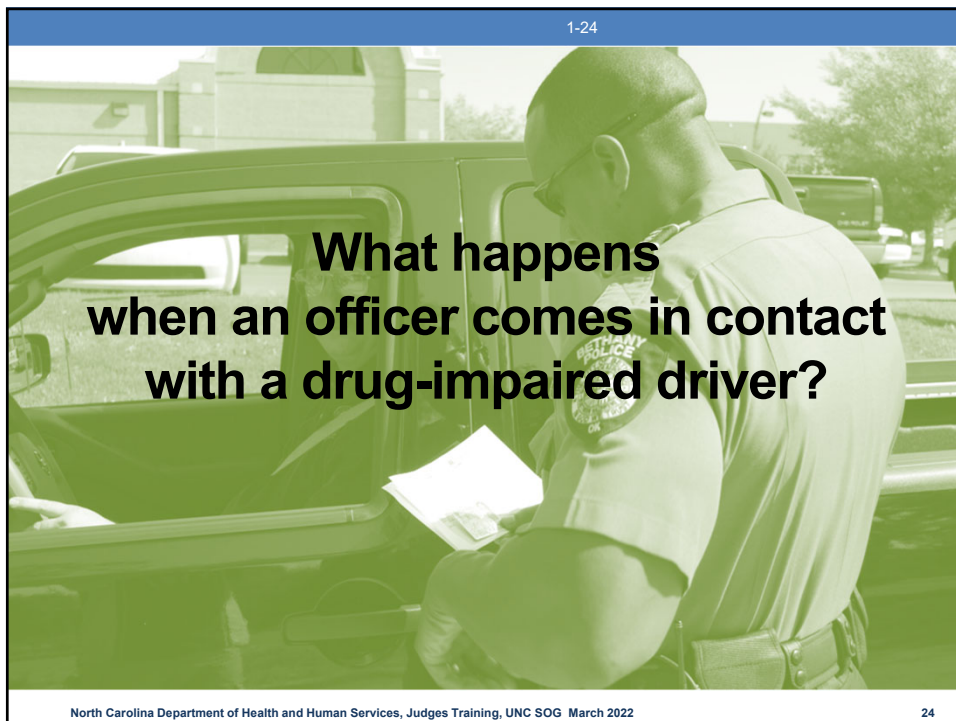
- **Stage in pre-arrest screening**
- **Recommended to administer after SFSTs**
- **Determine if Alcohol is source of impairment**

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## Advantages of ASTD

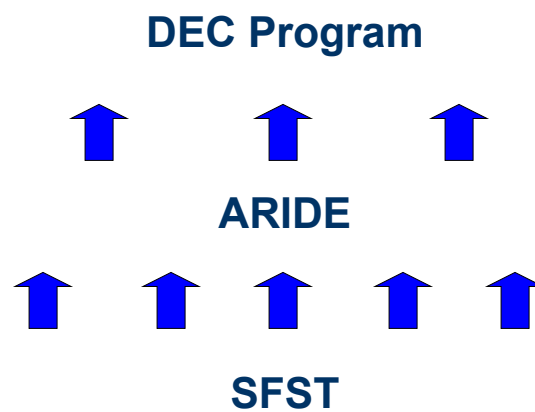
- Corroborate other evidence
- Confirm alcohol as cause of impairment
- Helps to rule out a medical condition
- Can help establish probable cause for DWI arrest

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## Relationship Between NHTSA/IACP Impaired Driving Programs



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## WHAT IS A “DRUG”?

“Any substance that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.”

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## Advanced Roadside Impaired Driving Enforcement (ARIDE)



- **Build on SFST skills**
- **Identify drug-impaired drivers**
- **Support the DEC Program**

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## Seven Drug Categories

- ✓ Central Nervous System **D**epressants
- ✓ Central Nervous System **S**timulants
- ✓ **H**allucinogens
- ✓ **D**issociative Anesthetics
- ✓ **N**arcotic Analgesics
- ✓ **I**nhalants
- ✓ **C**annabis

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## Lack of Convergence (LOC)

The inability of the person's eyes to converge or cross as the person attempts to focus on a stimulus as it is pushed towards the bridge of the nose.



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## Normal Convergence



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## LOC



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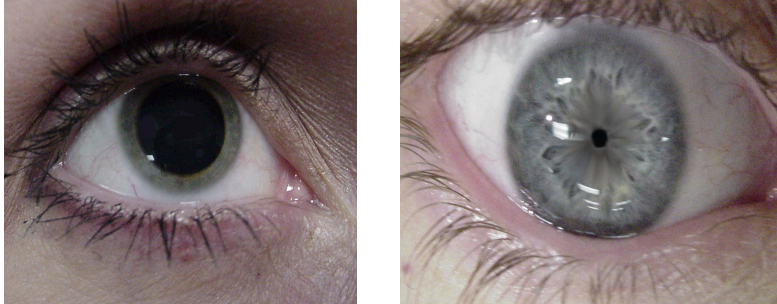
## Drug Categories That Usually Cause LOC

- CNS Depressants
- Inhalants
- Dissociative Anesthetics
- Cannabis

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## Pupil Size Observations



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## Dilated Pupils

- When pupils are larger than expected for given lighting condition, resulting in a noticeably larger opening (circle) in the center of the eye.

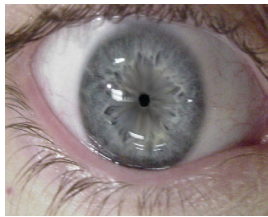


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## Constricted Pupils

- When pupils are smaller than expected for given lighting conditions, resulting in a noticeably smaller opening in the center of the eye.



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## Modified Romberg Balance Test



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## Three Indicators of MRB Test

- Time estimation
- Tremors
- Swaying



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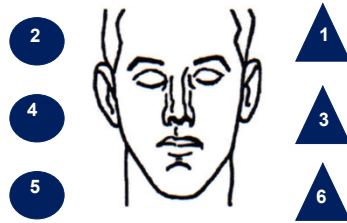
## MRB Test Demonstration



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## Finger to Nose Test Administrative Procedures

● Right    ● Left    ▲  
Draw lines to spots touched



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## Finger to Nose Test Demonstration



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## Drug Influence Evaluation 12 Step Process

1. Breath alcohol test
2. Interview of arresting officer
3. Preliminary examination and first pulse
4. Eye examinations
5. Divided attention tests:
  - Modified Romberg Balance
  - Walk and Turn
  - One Leg Stand
  - Finger to Nose

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## Drug Influence Evaluation 12 Step Process

6. Vital signs and second pulse
7. Dark room examinations and ingestion examination
8. Check for muscle tone
9. Check for injection sites and third pulse
10. Interrogation, statements and other observations
11. Opinion of evaluator
12. Toxicological examination

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## DRE Certification Requirements

- ASTD= 7 hours
- EC/IR II= 35 hours
- SFST= 24 hours
- ARIDE= 16 hours
- DRE Pre-school= 16 hours  
DRE School= 64 hours
- FKE~ 8 hours
- Field Cert Evals~ 40 hours
- ~ 210 hours of training to reach DRE

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## Breath Alcohol Testing (BAT) Mobile Unit



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