

Participant Manual

DWI Detection and Standardized Field Sobriety Testing (SFST)

Session 7 - Phase Three: Pre-Arrest Screening

40 Minutes

Session 7

Phase Three: Pre-Arrest Screening



DWI Detection and Standardized Field Sobriety Testing

Nystagmus Indications

- Six maximum clues
- Maximum three clues per eye
- 77% accurate detecting subjects ≥ 0.10 BAC based on original research



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- When the HGN test is administered always begin with subject's left eye. Each eye is examined for three specific clues.
 - As the eye moves from side to side, does it move smoothly or does it jerk noticeably? (As people become impaired by alcohol, their eyes exhibit a lack of smooth pursuit as they move from side to side.)
 - When the eye moves as far to the side as possible and is kept at that position for four seconds, does it jerk distinctly? (Distinct and sustained nystagmus at maximum deviation is another clue of impairment.)
 - As the eye moves toward the side, does it start to jerk prior to a 45 degree angle? (Onset of nystagmus prior to 45 degrees is another clue of impairment.)
 - As a person's blood alcohol concentration increases it is more likely these clues will appear.
 - The maximum total number of clues is six. The maximum number of clues that may appear in one eye is three.
 - The original research was conducted by the Southern California Research Institute (SCRI) and used to develop the initial curriculum showing this test was 77% accurate at detecting subjects at or above a 0.10 BAC.
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Divided Attention

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



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E. Divided Attention Tests: Concepts, Examples, Demonstration

Many of the most reliable and useful psychophysical tests employ the concept of divided attention: they require the subject to concentrate on more than one thing at a time (mental tasks and physical tasks). Driving is a complex divided attention task. In order to operate a vehicle safely, subjects must simultaneously control steering, acceleration and braking; react appropriately to a constantly changing environment; and perform many other tasks.

Alcohol and many other drugs reduce a person's ability to divide attention. Impaired subjects often ignore the less critical tasks of driving in order to focus their impaired attention on the more critical tasks. For example, a subject may ignore a traffic signal and focus instead on speed control.

Even when impaired, many people can handle a single, focused attention task fairly well. For example, a subject may be able to keep the vehicle well within the proper traffic lane as long as the road remains fairly straight. However, most people, when impaired, cannot satisfactorily divide their attention to handle multiple tasks at the same time.

The concept of divided attention has been applied to psychophysical testing. Field sobriety tests that simulate the divided attention characteristics of driving have been developed and are being used by law enforcement agencies nationwide. The best of these tests exercise the same mental and physical capabilities that a person needs to drive safely.

PBT Advantages

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



PBT Advantages

A PBT offers several important advantages for DWI detection. It may:

- Corroborate other evidence by demonstrating that the suspicion of alcohol impairment is consistent with the officer's observations of the subject's mental and physical impairment.
- Confirm the officer's own judgment and help gain confidence in evaluating alcohol impairment accurately, based on observations and psychophysical tests. (Many officers experienced in DWI enforcement find that they rely less and less on the PBT as their confidence in their own powers of detection increases).
- Disclose the possibility of medical complications or impairment due to drugs other than alcohol. (The PBT can confirm or deny that alcohol is the cause of the observed impairment. For example, observed psychophysical impairment coupled with a PBT result showing a very low BAC indicates an immediate need to investigate the possibility that the subject has ingested a drug other than alcohol or suffers from a medical problem).
- Help to establish probable cause for a DWI arrest. (The role of the PBT in establishing probable cause may be affected by the evidentiary value of PBT results in your state. Consult your specific PBT law, your supervisor, or the local prosecutor for clarification, if necessary).

PBT Limitations

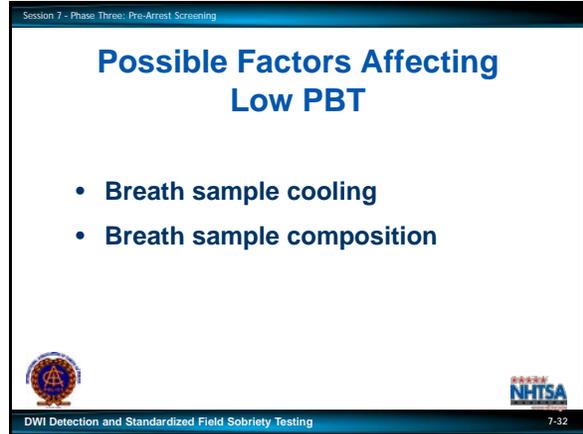
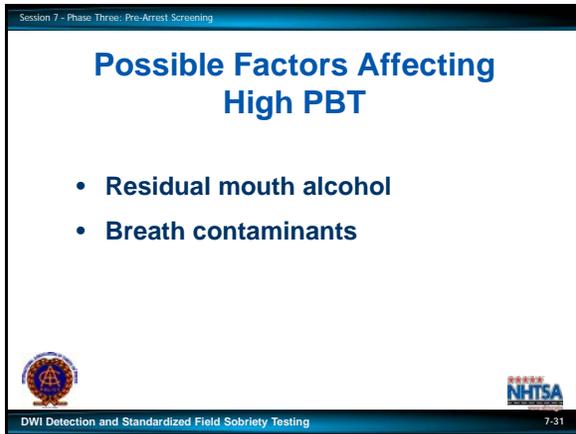
- Evidentiary
- Accuracy



PBT Limitations

Preliminary breath testing may have both evidentiary limitations and accuracy limitations. Evidentiary limitations vary with specific laws. In some states PBT results are admissible as evidence; in other states they are not admissible. Where the results are admissible, there may be differences in the weight or value they are given. Consult your state PBT law, your supervisor or your local prosecutor, as necessary, for clarification.

Although all PBT instruments currently used by law enforcement are reasonably accurate, they are subject to the possibility of some error, especially if they are not used in the proper fashion.



There are two common factors that tend to produce high results on a PBT.

Residual mouth alcohol. After a person takes a drink, some of the alcohol will remain in the mouth. If the person exhales soon after drinking, the breath sample will pick up some of this left over mouth alcohol. In this case, the breath sample will contain an additional amount of alcohol and the test result will be higher than the true BAC.

It takes approximately 15 minutes for the residual alcohol to be eliminated from the mouth.

The only sure way to eliminate this factor is to make sure the subject does not consume any alcohol for at least 15 to 20 minutes before conducting a breath test. Remember, too, most mouthwashes, breath sprays, cough syrups, etc., contain alcohol and may produce residual mouth alcohol. Therefore, do not permit the subject to put anything in their mouth for at least 15 to 20 minutes prior to testing.

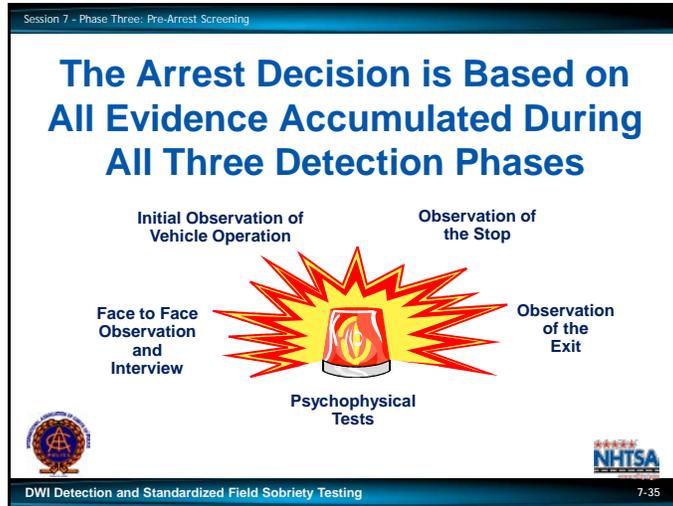
Breath Contaminants. Some types of preliminary breath tests might react to certain substances other than alcohol. For example, substances such as ether, chloroform, acetone, acetaldehyde and cigarette smoke may produce a positive reaction on certain devices. If so, the test would be contaminated and its result would be higher than the true BAC. Normal characteristics of breath samples, such as halitosis (bad breath), food odors, etc., do not affect accuracy.

PBT instruments have accuracy limitations. Although all PBT instruments currently used by law enforcement are reasonably accurate, they are subject to the possibility of error, especially if they are not used properly. There are factors that can affect the accuracy of preliminary breath testing devices. Some of these factors tend to produce "high" test results; others tend to produce "low" results.

There are two common factors that tend to produce low PBT results.

Breath sample cooling. If the captured breath sample is allowed to cool before it is analyzed, some of the alcohol vapor in the breath may turn to liquid and precipitate out of the sample. If that happens, the subsequent analysis of the breath sample will produce a low BAC result.

Breath sample composition. Breath composition means the mixture of the tidal breath and alveolar breath. Tidal breath is breath from the upper part of the lungs and the mouth. Alveolar breath is deep lung breath. Breath testing should be conducted on a sample of alveolar breath, obtained by having the subject blow into the PBT instrument until all air is expelled from the lungs.



G. The Arrest Decision

Your arrest/no arrest decision is the culmination of the DWI detection process. That decision is based on all of the evidence that has come to light since your attention was first drawn to the vehicle or individual.

PHASE ONE:

- Initial observation of vehicle in motion
- Observation of the stop.

PHASE TWO:

- Face to face observation and interview
- Observation of the exit.

PHASE THREE:

- SFSTs
- Preliminary breath tests.

Your decision involves a careful review of each of the observations you have made. Conduct a "mental summary" of the evidence collected during vehicle in motion, personal contact and pre-arrest screening. If all of the evidence, taken together, establishes probable cause to believe that a DWI offense has been committed, you should arrest the subject.

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Test Your Knowledge

1. The two major evidence gathering tasks of Phase Three are _____ and _____
2. The major decision in Phase Three is _____
3. The entire DWI detection process culminates in _____
4. Divided attention tests require the subject to _____




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Test Your Knowledge

5. Among the mental and physical capabilities a person needs to drive safely are these four:
 - A. _____
 - B. _____
 - C. _____
 - D. _____
6. The two stages of the Walk and Turn are:
 - A. _____
 - B. _____




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TEST YOUR KNOWLEDGE

INSTRUCTIONS: Complete the following sentences.

1. The two major evidence gathering tasks of Phase Three are:

2. The major decision in Phase Three is _____

3. The entire DWI detection process culminates in _____.

4. Divided attention tests require the subject to _____.

5. Among the mental and physical capabilities a person needs to drive safely are these four:

6. The two stages of the Walk and Turn are:

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Test Your Knowledge

7. The two stages of the One Leg Stand are:
A.
B.

8. The purpose of PBT is _____

9. Two factors that produce high results on a PBT are:
A.
B.



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Test Your Knowledge

10. Two factors that produce low results on a PBT are:
A.
B.



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7. The two stages of the One Leg Stand are:

8. The purpose of PBT is

9. Two factors that produce high results on a PBT are:

10. Two factors that produce low results on a PBT are:

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QUESTIONS?



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