

DUII FIELD GUIDE

- 1) After initial contact, establish your PC by answering the question of: “is this person more likely DUII than not?”
- 2) After establishing your PC ask the person if they would consent to SFSTs. Ask, “would you do some tests to see if you’re ok to drive?”
- 3) **If the person says “yes”**, then administer the SFSTs.
- 4) **If the person says “no”**, advise them of their Miranda Rights. Then advise them of the SFST Admonishment. After you’re done, ask them again if they would like to do some SFSTs.
- 5) **If the person says yes:** do SFSTs excluding verbal parts like the counting out loud.
- 6) **If the person says no:** you have already established PC to arrest.

STANDARDIZED FIELD SOBRIETY TEST ADMONISHMENT (only to be used after refusal to do regular SFSTs):

I am going to ask you to submit to purely physical standardized field sobriety tests. None of the tests I will ask you to perform will require you to reveal your thoughts, beliefs or state of mind. The test will include the hgn test, the walk and turn test and the 1-leg stand test. Do you have any questions regarding these test or what I am asking you to do? Your refusal to submit to these purely physical tests may be used against you. Law: *State vs. Rohrs, 157 OR Appl 494 (12/9/98)*

**For Boating Under the Influence (BUII) allow the operator a 15-minute equilibrium adjustment period on land before administering the FSTs.

**Alcohol dissipates at .015% per hour unless subject “is on the rise” from recent consumption (a person at .15 BAC will take 10 hours to be a .00)

**During HGN, have subject face away from strobes or passing cars if possible. Also, have them tilt their head down slightly if they have problems opening their eyes.

**Research has shown 80% reliability that if a person fails both HGN and Walk and Turn they are likely .10% BAC or higher.

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Horizontal Gaze Nystagmus (4 of 6 clues= .1% BAC or 77% likelihood)

Prior to test check for resting nystagmus. Then check for = pupil size and = tracking (2 passes). If not = then possible head injury or preexisting nystagmus. Check the left eye and then the right eye. Stimulus just above eye level, 12-15 inches out. The nystagmus must be distinct and sustained; no doubt.

- 1) *lack of smooth pursuit* (2 seconds out and 2 seconds back (4 seconds total for each eye): have left eye track to their left 1st, then back across their nose and to their right)
- 2) *at maximum deviation* (hold for 4 seconds)
- 3) *check for the onset of nystagmus prior to 45 degrees* (move to max in 4 seconds).

When done check for vertical nystagmus- if it is present this is an indicator of either drug use OR a high alcohol dose for that person. (6 total passes per eye for all of the above).

9 Step Walk and Turn (2 of 8 clues= .1% BAC or 68% likelihood)

During instructional phase have them stand with their right foot in front of left foot, touching heel-to-toe.

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| 1) balance | 5) steps off line |
| 2) begins to soon | 6) raises arms at least 6 inches |
| 3) stops | 7) wrong # of steps |
| 4) not heel-to-toe | 8) improper turn |

One Leg Stand (2 of 4 clues= .1% BAC or 65% likelihood)

Time the subject for 30 seconds while they count: 1-one thousand, 2-one thousand etc. until told to stop. Subject should be no more than +/- five counts off. Have them watch the toe of their extended foot. Legs not bent and the raised foot (of their choice) about 6 inches above the ground.

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| 1) sways | 3) hops |
| 2) uses arms | 4) drops foot |

ADDITIONAL NON-STANDARDIZED FSTs ONLY TO BE USED IN SPECIAL SITUATIONS:

Romberg Balance (keep time)

Head tilted back w/ eyes closed until 30 seconds have elapsed. Then open eyes and they say "stop". OR count backwards 89-67.

Finger to Nose

Begin with head tilted back and eyes closed. Command either LEFT or RIGHT. They'll raise arm straight out to their side, parallel to the ground, and touch index finger to nose.

Finger Count- do at least 3 repetitions increasing in speed.

Count Down- count backwards from 89-67

Written Alphabet or recital- time it and have them sign and date.

Circle the Square Drawing- provide them with a drawing of a circle within a square and have them copy it and then sign and date.