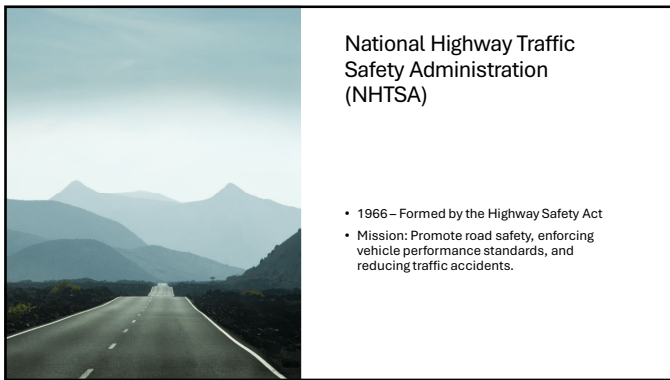
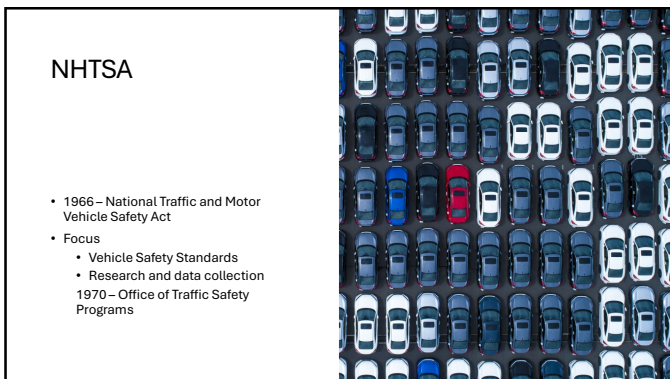


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NHTSA – Safety standards



1974 – Required use of seat belts



1978 – Focus on driver safety.


4


NHTSA – Safety Legislation (1980s-90s)


- 1984 – Drunk driving laws
- 1990s – NHTSA pushed for airbags and other technologies to reduce vehicle crash injuries
- Advanced child safety seat regulations
- 1998 – Focus on the congestion reduction and environmental impact of traffic


5


Other Issues and Developments


 SUVs


 Global warming


 Self-driving cars


 Electronic Vehicle safety systems


 Green vehicles

 Vehicle to vehicle communication

 Electric vehicles

 Recalls/Defects


 Fuel efficiency standards

 Road safety/Distracted driving

6

Three Phases of a DUI stop

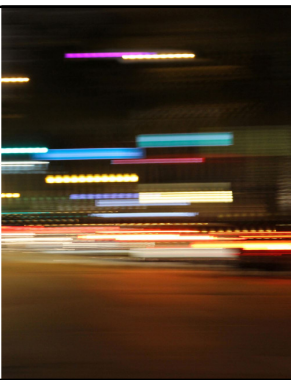
1. Vehicle in Motion
2. Personal Contact
3. Pre-Arrest Screening (SFSTs/Chemical test)



7

1. Vehicle in Motion

- Officer observes the driver's behavior while in motion
- Erratic driving (eg: weaving, swerving, speed variations, etc)
- Not obeying traffic signs and/or signals
- Officer may decide to make a stop based on these observations




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2. Personal Contact

Officer makes direct contact with the driver after the stop

Officer assesses the driver

This stage, the officer may ask the driver to step out of vehicle




9

3. Pre-Arrest Screening (SFSTs)

- Horizontal Gaze Nystagmus
- Walk and turn
- One-legged stand
- Modified Romberg
- Finger to nose

10

Introduction



- The Drug Recognition Expert (DRE) process is a systematic and standardized method used by specially trained officers to identify impairment due to drugs. It involves a series of steps to evaluate and classify drug impairment.
- The DRE evaluation is standardized because it is conducted the same way by every drug recognition expert, for every individual, whenever possible. It is systematic because it is based on a complete set of observable signs and symptoms.

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*** Initial Assessment**

- The DRE officer first conducts an initial assessment by interviewing the subject, observing their behavior, and evaluating their physical condition. This is done to determine whether impairment is present and to gather evidence of potential drug influence.

12




What is it about?

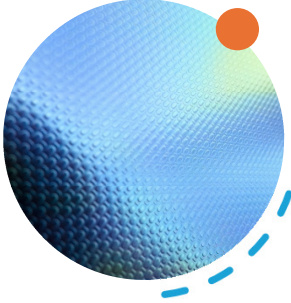
- Determine if related to drugs or alcohol
- Alcohol concentration is consistent with what is observed
- An assessment of the driving and then a 12-process (DRE evaluation)



13

DRE (Drug Recognition Expert) Program

-  The DRE program trains officers to become experts in identifying impairment caused by drugs (prescription, over-the-counter, or illegal substances).
-  DREs conduct thorough evaluations that involve a series of steps to identify drug-related impairment.
-  DRE training is more extensive than ARIDE and includes medical knowledge and advanced testing.



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Drug Recognition Expert*

- This is a 12-step process
 - BrAC
 - Interview with officer
 - Preliminary Examinations
 - Eye Examination
 - Psychophysical Tests
 - Vital Signs Examinations
 - Dark Room Examinations
 - Muscle Tone Examination
 - Injection Site Examination
 - Subject's statements
 - Opinion/Evaluation/Observations
 - Toxicological Examination (Blood/Urine)

15

1. Breath Test (if alcohol is suspected)

- If alcohol is suspected, the subject undergoes a breath test to determine if alcohol is present in their system. If the breath test indicates alcohol impairment, the DRE process may not be necessary.



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2. Interview of the arresting officer

- DRE will talk to the officer about what was observed.
- Subject behavior (ie: driving, mood, attitude, etc.)
- Reasons for the stop



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3. Physical Examinations

- The DRE officer performs a series of physical examinations to assess the subject's level of impairment. These tests include checking pulse rate, blood pressure, body temperature and eye coordination.
- Is there a medical condition that may be causing observations



18

Special Tests (Standard Field Sobriety)

- Eye exam (Step 4)
- STEP 5
- Modified Romberg test
- Walk and Turn test
- One Legged Stand
- Finger to Nose



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4. Eye exam

- Horizontal Gaze Nystagmus (HGN) test
- Involuntary jerking of the eyes, occurring as the eyes gaze to the side.
- Clues
 - Lack of smooth pursuit
 - Distinct and Sustained Nystagmus at Max Deviation
 - Onset of Nystagmus prior to 45 degrees



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5. Divided Attention/Psychophysical tests


SFSTs



21

5. Divided attention/Psychophysical tests

- Modified Romberg test
 - Concentrating on more than one thing at a time
 - Tilt the head back, close eyes and estimate 30 seconds




The image contains three time-related icons: an hourglass with orange sand, a silver stopwatch, and a red circular clock face with a white center and black hands.

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Divided Attention/Psychophysical tests

- Walk and Turn
 - Instruction stage
 - Walking stage
 - 8 clues




The image shows a close-up of a person's feet in dark shoes walking on a thin red line on a light-colored floor.

23

Divided Attention/Psychophysical tests

- One Leg Stand
 - Instruction and balance/counting stage
 - 4 clues



The image contains two line drawings: a woman on the left wearing a dress and high heels, and a man on the right wearing a long-sleeved shirt and pants.

24

Divided Attention/Psychophysical tests


Finger to nose


Tip of the finger to tip of nose


Head is tilted back

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6. Vital signs and second pulse



 BLOOD PRESSURE



 BODY TEMPERATURE



 PULSE


26


7. Dark Room examination


 Pupilometer –
 measurements of the
 pupils in different lighting
 environments


 Room light


 Direct light


 Near total darkness



27

8. Examination of Muscle Tone

- Rigid or Flaccid
- Drug classes can affect muscle tone



28

9. Check for injection sites and third pulse

- Looking for any sign of drug activity
- Drug IV use
- Take a final pulse



29

10. Subject's statements/other observations

- Subject is interviewed
- Questioned about any drug use



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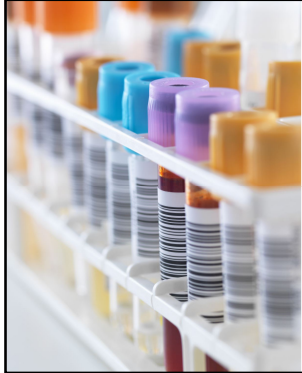
11. Analysis/Opinion of the Evaluator

- The DRE officer may discuss the findings with the subject and summarize the results of the examination. The officer then makes a final decision, determining whether the subject's impairment is drug-related and whether further legal action is warranted.
- Decision to get a toxicology sample

DRE MATRIX										
	MARIJUANA		COCAINE		HEROIN		AMPHETAMINE		BARBITURATE	
DRUG CATEGORY MATRIX	+	-	+	-	+	-	+	-	+	-
VORTEX GAZE	P	N	P	N	P	N	P	N	P	N
POSTURES	P	N	P	N	P	N	P	N	P	N
VERTICAL	P	N	P	N	P	N	P	N	P	N
DISSOCIATION	P	N	P	N	P	N	P	N	P	N
LOCUS OF CONTROL	P	N	P	N	P	N	P	N	P	N
EXPLORATION	P	N	P	N	P	N	P	N	P	N
REACTION	P	N	P	N	P	N	P	N	P	N
REFLEX	P	N	P	N	P	N	P	N	P	N
PULSE	P	N	P	N	P	N	P	N	P	N
BLOOD PRESSURE	P	N	P	N	P	N	P	N	P	N
TEMPERATURE	P	N	P	N	P	N	P	N	P	N
MOISTURE	P	N	P	N	P	N	P	N	P	N
FLACIDITY	P	N	P	N	P	N	P	N	P	N
FLACIDITY	P	N	P	N	P	N	P	N	P	N

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12. Toxicology Examination



- Blood/Urine
- Oral Fluid
- Analyzed at a public lab (government)
- These lab follows established procedures and follow outline policies

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ARIDE vs. DRE Programs

Understanding ARIDE and DRE Programs in Law Enforcement

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Introduction to ARIDE

- The ARIDE program (Advanced Roadside Impaired Driving Enforcement) was developed to provide law enforcement officers with enhanced training for detecting impaired drivers.
- ARIDE focuses on roadside assessments to determine if a driver is impaired due to drugs or alcohol.
- Unlike the DRE program, ARIDE is designed for officers at the patrol level and is less intensive in scope.

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Key Differences Between ARIDE and DRE

- 1. Training Level:**
 - ARIDE: Targeted for patrol officers with basic roadside impairment detection skills.
 - DRE: Specialized training for officers to become experts in drug impairment detection.
- 2. Scope of Evaluation:**
 - ARIDE: Limited to preliminary roadside evaluation for suspected impairment.
 - DRE: Comprehensive medical and behavioral evaluations to determine drug impairment.
- 3. Duration:**
 - ARIDE: Shorter training (24-48 hours).
 - DRE: More extensive training (typically 3-6 months).
- 4. Test Administration:**
 - ARIDE: Focuses on observable signs and symptoms of impairment.
 - DRE: Involves a series of medical evaluations, including eye exams and vital signs.

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How ARIDE Officers Conduct Evaluations

- ARIDE officers perform roadside assessments using a set of standardized procedures to determine impairment. These procedures include:
 - Observing driving behavior and signs of impairment.
 - Interviewing the driver about their condition and potential drug or alcohol use.
 - Administering field sobriety tests (e.g., Walk-and-Turn, One-Leg Stand, HGN) to assess coordination.
- If impairment is suspected, they may request further tests or refer the driver to a DRE for a more in-depth evaluation.

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How DRE Officers Conduct Evaluations

- DRE officers perform a more thorough evaluation, which includes the following steps:
 1. **Preliminary Interview:** Reviewing the suspect's background and symptoms.
 2. **Physical Exam:** Checking vital signs like pulse, blood pressure, and body temperature.
 3. **Eye Examinations:** Observing pupil size, tracking, and other eye-related symptoms.
 4. **Divided Attention Tests:** Similar to SFSTs, assessing ability to perform tasks under pressure.
 5. **Drug Category Identification:** Identifying which type of drug may be affecting the person.

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Strengths and Limitations of ARIDE

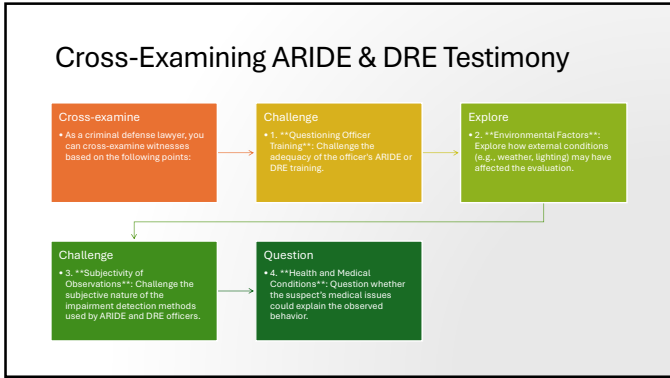
- **Strengths:**
 1. Quick and accessible evaluation method for patrol officers.
 2. Can help officers identify impaired drivers early.
- **Limitations:**
 1. Not as comprehensive as DRE evaluations.
 2. Limited ability to determine the exact cause of impairment.
 3. Susceptible to environmental factors affecting test results.

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Strengths and Limitations of DRE

- **Strengths:**
 1. Highly specialized and thorough evaluation.
 2. Can accurately identify specific drugs impairing a driver.
- **Limitations:**
 1. Time-consuming and resource-intensive.
 2. Requires highly trained officers.
 3. May be contested based on subjective evaluation criteria.

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Conclusion

Both ARIDE and DRE programs provide law enforcement with valuable tools to detect impaired driving.

However, these programs have their strengths and limitations, and defense attorneys can challenge their findings based on officer training, test administration, and other factors.

Do you have any questions?

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Standard Field Sobriety Tests & Drug Recognition Expert Training

An Overview for Criminal Defense Lawyers



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Review of Standard Field Sobriety Tests

SFSTs are a series of three standardized tests used by law enforcement to determine if a driver is impaired by alcohol or drugs. These tests are:

1. Horizontal Gaze Nystagmus (HGN)
2. Walk-and-Turn (WAT)
3. One-Leg Stand (OLS)

While these tests can indicate impairment, they are not foolproof and can be challenged in court.

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Purpose & Controversies of SFST

SFSTs are designed to test a person's coordination, balance, and ability to follow instructions. However, criminal defense lawyers should be aware of the following issues:

1. Officer Training: The tests may not be properly administered.
2. Environmental Factors: Conditions like weather, location, and lighting can affect performance.
3. Medical Conditions: Certain health issues may affect a person's ability to perform the tests, leading to inaccurate results.

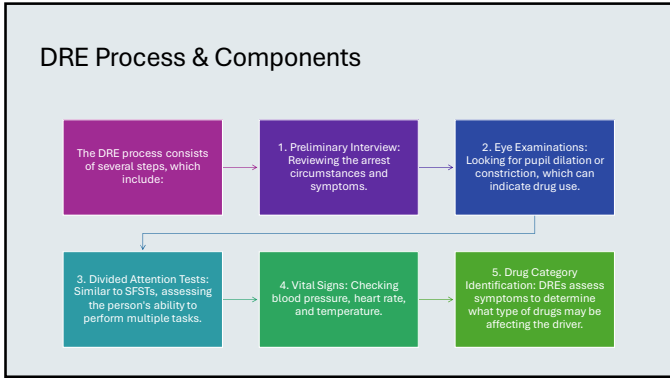
44



Drug Recognition Expert (DRE) Training

- DREs are law enforcement officers trained to identify impairment caused by drugs, including prescription, over-the-counter, and illegal substances. They undergo specialized training to evaluate drivers suspected of being under the influence of drugs.
- DRE training includes assessing behavior, physical symptoms, and conducting a series of evaluations.

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DRE and Reliability in Court

- The DRE process can be challenged in court based on several factors, including:
 1. Subjectivity of Observations: DREs rely on officer interpretation of signs and symptoms, which may not be accurate.
 2. Lack of Scientific Validation: Some argue that DRE training lacks peer-reviewed scientific validation.
 3. Cross-Examination: Criminal defense lawyers can challenge DRE conclusions through expert testimony, pointing out weaknesses in the testing and training.

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Key Takeaways for Defense Lawyers

As a criminal defense lawyer, you can challenge SFSTs and DRE findings by focusing on:

1. Officer Error: Test administration errors or improper training.
2. Environmental and Medical Factors: Conditions affecting test performance.
3. Lack of Scientific Support: Questioning the reliability and accuracy of SFSTs and DRE methods.

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Conclusion

In conclusion, understanding the Standard Field Sobriety Tests and Drug Recognition Expert Training is essential for challenging DUI and drug impairment cases.

Criminal defense lawyers should be well-versed in the strengths and weaknesses of these tests to advocate effectively for their clients.

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Scientific Studies

Compton (1986), Bigelow (1985) and Adler (1994)
Corroborated use of FST as it applied to drugs

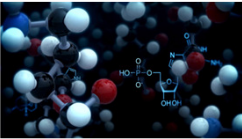

Marcotte, et al
Evaluation of FST for ID drivers under the influence of Cannabis, (8/23)

O'Keefe
Determined FST didn't really assist in determining drug impairment

Shinar and Schechtman
DRE was able to predict impairment with low rate of success, high false positives



Porath-Waller
HGN test only 1% reliable as indicator of impairment

Bosker
HGN test 15% reliable, and OLS test only test that shows utility

50

Resources

- https://wtsc.wa.gov/wp-content/uploads/dlm_uploads/2023/01/WTS_C_05-BAC-fact-sheet_Dec-2022.pdf
- <https://www.ojp.gov/ncjrs/virtual-library/abstracts/008-bac-illegal-se-level>
- <https://www.nhtsa.gov/enforcement-justice-services/drug-evaluation-and-classification-program-advanced-roadside-impaired>
- https://www.nhtsa.gov/sites/nhtsa.gov/files/811175_0.pdf
- https://wtsc.wa.gov/wp-content/uploads/dlm_uploads/2023/01/WTS_C_05-BAC-fact-sheet_Dec-2022.pdf

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2025 Spring Public Defender Conference

Session One:

Understanding DWI Detection and Standard Field Sobriety Tests

Wednesday, April 23, 2025
 1:00pm-2:15pm
 Blake Stutzman



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