D. Interview/Questioning Techniques

There are a number of techniques you can use to assess impairment while the driver is still behind the wheel. Most of these techniques apply the concept of divided attention. They require the driver to concentrate on two or more things at the same time. They include both questioning techniques and psychophysical (mind/body) tasks.

These techniques are not as reliable as the Standardized Field Sobriety Tests but they can still be useful for obtaining evidence of impairment. **THESE TECHNIQUES DO NOT REPLACE THE SFSTS.**

**Questioning Techniques**

The questions you ask and the way in which you ask them can constitute simple divided attention tasks. Three techniques are particularly pertinent:

• Asking for two things simultaneously
• Asking interrupting or distracting questions
• Asking unusual questions.

An example of the first technique, **asking for two things simultaneously**, is requesting the driver to produce both the driver's license and the vehicle registration. Possible evidence of impairment may be observed as the driver responds to this dual request. Be alert for the driver who:
License and Registration

- Forgets to produce both documents
- Produces wrong documents
- Fails to see the license, registration or both while searching for them
- Fumbles or drops wallet, purse, license or registration
- Unable to retrieve documents using fingertips

Questions that Divide Attention

- What day is it?
- Where are you coming from?
- Be alert for the driver who:
  - Ignores the question and concentrates only on the license or registration search
  - Forgets to resume the search after answering the question
  - Supplies a grossly incorrect answer to the question

The second technique would be to ask questions that require the driver to divide attention between searching for the license or registration and answering a new question. While the driver is responding to the request for license, registration or both, you ask unrelated questions; "What day is it?" or "Where are you coming from?"

Possible evidence of impairment may be disclosed by the actions of the driver after this question has been posed. Be alert for the driver who:

- Ignores the question and concentrates only on the license or registration search
- Forgets to resume the search after answering the question
- Supplies a grossly incorrect answer to the question
The third technique, asking unusual questions, is employed after you have obtained the driver's license and registration. Using this technique, you seek verifying information through unusual questions. For example, while holding the driver's license, you might ask the driver, "What is your middle name?"

There are many such questions which the driver normally would be able to answer easily, but which might prove difficult if the driver is impaired, simply because they are unusual questions. Unusual questions require the driver to process information; this can be especially difficult when the driver does not expect to have to process information. For example, a driver may respond to the question about the middle name by giving a first name. In this case the driver ignored the unusual question and responded instead to a usual -- but unasked -- question.
**Additional Techniques**

**Alphabet**

This technique requires the driver to recite a part of the alphabet. You instruct the driver to recite the alphabet beginning with a letter other than A and stopping at a letter other than Z. For example, you might say to a driver, "Recite the alphabet, beginning with the letter E as in Edward and stopping with the letter P as in Paul." This divides the driver's attention because the driver must concentrate to begin at an unusual starting point and recall where to stop.

**Count Down**

This technique requires the driver to count out loud 15 or more numbers in reverse sequence. For example, you might request a driver to, "Count out loud backwards, starting with the number 68 and ending with the number 53." This, too, divides attention because the driver must continuously concentrate to count backwards while trying to recall where to stop.

This technique should never be given using starting and stopping points that end in 0 or 5 because these numbers are too easy to recall. For example, do not request that the driver count backwards from 65 to 50. Instead, ask the driver to count backwards from 68 to 53.
Finger Count

In this technique, the driver is asked to touch the tip of the thumb to the tip of each finger on the same hand while simultaneously counting up one, two, three, four; then to reverse direction on the fingers while simultaneously counting down four, three, two, one.

In each instance, Note whether and how well the driver is able to perform the divided attention task.
E. Recognition and Description of Clues Associated With the Exit Sequence

Your decision to instruct the driver to step from the vehicle usually is made after you have developed a suspicion that the driver is impaired. Even if that suspicion may be very strong, the driver is usually not under arrest when you give the instruction.

How the driver steps and walks from the vehicle and actions or behavior during the exit sequence may provide important evidence of impairment. Be alert to the driver who:

Proper face to face observation and interview of a driver requires the ability to recognize the sensory evidence of alcohol and/or other drug influence and the ability to describe that evidence clearly and convincingly. Developing these abilities takes practice.
TEST YOUR KNOWLEDGE

INSTRUCTIONS: Complete the following sentences.

1. The two major evidence gathering tasks of Phase Two are

2. The major decision of Phase Two is

3. Among the describable clues an officer might see during the Phase Two interview are:

4. Among the describable clues an officer might hear during the Phase Two interview are:
5. Among the describable clues an officer might smell during the interview are:

6. There are three techniques an officer might use in asking questions that constitute simple divided attention tasks. These techniques are:

7. The Count Down Technique requires the driver to __________.

8. Leaning against the vehicle is a clue to DWI which may be observed during the __________.
QUESTIONS?
Participant Manual

DWI Detection and Standardized Field Sobriety Testing (SFST)

Session 7

Phase Three:
Pre-Arrest Screening

40 Minutes
At the conclusion of this session, participants will be able to:

- Describe the role of psychophysical and preliminary breath tests;
- Define and describe the concepts of divided attention and nystagmus;
- Discuss the advantages and limitations of preliminary breath testing; and
- Discuss the arrest decision process.

**CONTENT SEGMENTS**

A. Overview: Tasks and Decision ..................................................Instructor-Led Presentation
B. Gaze Nystagmus - Definition .................................................. Instructor-Led Demonstrations
C. Horizontal Gaze Nystagmus – Definition, Concepts, Demonstration ............... Video Presentation
D. Vertical Gaze Nystagmus – Definition, Concepts, Demonstration
E. Divided Attention Tests: Concepts, Examples, Demonstration
F. Advantages and Limitations of Preliminary Breath Testing
G. The Arrest Decision
A. Overview: Tasks and Decision

Like Phases One and Two, DWI Detection Phase Three, Pre-arrest Screening has two major evidence gathering tasks and one major decision.

*Phase Three: Pre-Arrest Screening*

Your first task in Phase Three is to administer three scientifically validated Standardized Field Sobriety Tests. If your agency uses preliminary breath tests (PBTs), your second task would be to administer (or arrange for) a PBT to confirm the chemical basis of the subject’s impairment. Based on these tests and on all other evidence from Phase One and Two, you must decide whether there is sufficient probable cause to arrest the subject for DWI. The entire detection process culminates in the arrest/no arrest decision.
Psychophysical tests are methods of assessing a subject's mental and physical impairment. These tests focus on the abilities needed for safe driving: balance, coordination, information processing and so on.

Indicators of psychophysical impairment may be observed as soon as you come into face to face contact with the subject and begin the interview. Additional indicators of impairment can be observed as the subject exits the vehicle to begin the field sobriety tests. The Standardized Field Sobriety Tests are the most scientifically reliable.

*The Arrest Decision*

The DWI detection process concludes with the arrest decision. This decision is based on all of the evidence you have obtained during all three detection phases: on observation of the vehicle in motion and during the stopping sequence; on face to face observation of the subject and the subject’s exit from the vehicle; and, pre-arrest screening.
B. Gaze Nystagmus – Definition

"Nystagmus" means an involuntary jerking of the eyes.

Alcohol and certain other drugs cause Horizontal Gaze Nystagmus.
Horizontal Gaze Nystagmus (HGN)

- Most reliable field sobriety test
- Involuntary jerking occurring as eyes gaze toward the sides
- Readily noticeable when a person is impaired
- As BAC increases eyes begin to jerk sooner as they move to the side
- CNS Depressants, Inhalants, and Dissociative Anesthetics also cause HGN

C. Horizontal Gaze Nystagmus – Definition, Concepts, Demonstration

Horizontal Gaze Nystagmus (HGN) is the most reliable field sobriety test. Especially when used in combination with the divided attention tests, it will help law enforcement officers correctly identify subjects who are impaired.

Involuntary jerking of the eyes becomes readily noticeable when a person is impaired. As a person's blood alcohol concentration increases, the eyes will begin to jerk sooner as they move to the side.

Horizontal Gaze Nystagmus refers to an involuntary jerking occurring as the eyes gaze toward the side. In addition to being involuntary the person experiencing the nystagmus is usually unaware that the jerking is happening.

In administering the HGN test, the officer has the subject follow the motion of a small stimulus with the eyes only. The stimulus may be the tip of a pen or penlight, or an eraser on a pencil, whichever contrasts with the background.
Nystagmus Indications

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

- 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.
To test for Horizontal Gaze Nystagmus, the subject is instructed to stand with feet together, hands at sides, hold the head still, and follow the motion of a stimulus with the eyes only.

The object may be the tip of a pen or penlight or the eraser on a pencil, which contrasts with the background.

Each eye is checked, beginning with the subject's left. A subject's height might restrict ability to clearly see nystagmus. Subject may be placed in sitting position to accommodate a better view.

Two or more "passes" are made before each eye, to look for each of the clues of nystagmus.

Subject height may restrict ability to see nystagmus in those cases, a sitting position may work.
D. **Vertical Gaze Nystagmus – Definition, Concepts, Demonstration**

Vertical Gaze Nystagmus (VGN) is an involuntary jerking of the eyes occurring as the eyes are held at maximum elevation.

For VGN to be recorded, it must be distinct and sustained for a minimum of four seconds at maximum elevation.
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.
Typical simultaneous capabilities required for driving:

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

Any test that requires a person to demonstrate two or more of these capabilities simultaneously is potentially a good psychophysical test.

Simplicity is the key to divided attention field sobriety testing. It is not enough to select a test that just divides the subject's attention. The test also must be one that is reasonably simple for the average person to complete as instructed when sober. Tests that are difficult for a sober subject to perform have little or no evidentiary value.
Two divided attention field sobriety tests that have proven accurate and effective in DWI detection are the Walk and Turn and the One Leg Stand.
Walk and Turn

Walk and Turn is a test that has been validated through extensive research sponsored by the National Highway Traffic Safety Administration.

The original research was conducted by the SCRI and used to develop the initial curriculum showing this test was 68% accurate at detecting subjects at or above a 0.10 BAC.

Walk and Turn is a divided attention test consisting of two stages:
- Instructions stage
- Walking stage

The Instructions Stage divides the subject's attention between a balancing task (standing while maintaining the heel to toe position) and an information processing task (listening to and remembering instructions).

In the Instructions Stage, the subject must stand with their feet in a heel to toe position, keep their arms at their sides, and listen to the instructions.
In the **Walking Stage** the subject takes nine heel to toe steps, turns in a prescribed manner, takes nine heel to toe steps back, counts the steps out loud, and watches their feet. During the turn, the subject keeps their front foot on the line, turns in a prescribed manner, and uses the other foot to take several small steps to complete the turn. The Walking Stage divides the subject's attention among a balancing task (walking heel to toe and turning); a small muscle control task (counting out loud); and a short term memory task (recalling the number of steps and the turning instructions).

The walking stage divides the subject's attention between a task of listening, comprehending and carrying out the instruction.
### Walk and Turn 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

The Walk and Turn test is administered and interpreted in a standardized manner, i.e., the same way every time. Officers administering the Walk and Turn test observe the subject's performance for eight 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

Inability to complete the Walk and Turn test may occur when the subject is in danger of falling or otherwise cannot complete the test.
One Leg Stand

The One Leg Stand has also been validated through NHTSA sponsored research. The original research was conducted by the SCRI and used to develop the initial curriculum showing this test was 65% accurate at detecting subjects at or above a 0.10 BAC.

It is a divided attention test consisting of two stages:

- Instructions stage
- Balance and counting stage

In the Instruction Stage, the subject must stand with their feet together, keep their arms at their sides, and listen to instructions.
In the **Balance and Counting Stage**, the subject must raise one foot, either foot, with the raised foot approximately six inches off the ground, with both legs straight and the raised foot parallel to the ground. Have the subject, while looking at the elevated foot, count out loud in the following manner: "one thousand one", "one thousand two", “one thousand three” until told to stop. This divides the subject’s attention between balancing (standing on one foot) and small muscle control (counting out loud).

The timing for a thirty second period by the officer is an important part of the One Leg Stand test. The original research conducted by SCRI in 1977 showed that many impaired subjects are able to stand on one leg for up to 25 seconds, but that few can do so for 30 seconds.
One Leg Stand is also administered and interpreted in a standardized manner. Officers carefully observe the subject’s performance and look for four specific clues:

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

Inability to complete the One Leg Stand test occurs when the subject is in danger of falling or otherwise cannot complete the test.
F. Advantages and Limitations of Preliminary Breath Testing

Preliminary breath testing, like psychophysical testing, is a stage in the pre-arrest screening of a DWI subject. Usually the subject is not yet under arrest when requested to submit to the preliminary breath test.

The basic purpose of preliminary breath testing (PBT) is to demonstrate the association of alcohol with the observable evidence of the subject's impairment. The subject's impairment is established through sensory evidence: what the officer sees, hears and smells.

The PBT provides the evidence that alcohol is the chemical basis of that impairment by yielding an on the spot indication of the subject's blood alcohol concentration (BAC). The PBT provides direct indication of the BAC level. It does not indicate the level of the subject's impairment. Impairment varies widely among individuals with the same BAC level.

The DWI incident remains at the investigative stage; the accusatory stage has not yet begun. The PBT result is only one of many factors the officer considers in determining whether the subject should be arrested for DWI. Whenever possible, it should never be the sole basis for a DWI arrest. The PBT result is an important factor because it provides direct indication of alcohol impairment. All other evidence, from initial observation of the vehicle in operation through psychophysical testing, indicates alcohol impairment.
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

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.
Radio frequency interference (RFI) can produce either high or low test results, or can prevent a breath test device from producing any result. Care should be exercised when utilizing a PBT around radio equipment.

Radio frequency interference (RFI) can produce either high or low test results, or can prevent a breath test device from producing any result. Care should be exercised when utilizing a PBT around radio equipment.
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.
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 ______________________

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. 

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:

   ____________________________________________________________

   ____________________________________________________________
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:

QUESTIONS?
Session 8

Concepts and Principles of the Standardized Field Sobriety Tests (SFST)
Learning Objectives

- Discuss the development and validity of the research and the standardized elements, clues and interpretation of the three Standardized Field Sobriety Tests
- Discuss types of nystagmus and their effects on the Horizontal Gaze Nystagmus test

Upon successfully completing this session the participant will be able to:

- Discuss the development and validity of the research and the standardized elements, clues and interpretation of the three Standardized Field Sobriety Tests.
- Discuss the different types of nystagmus and their effects on the Horizontal Gaze Nystagmus test.
- Discuss and properly administer the three Standardized Field Sobriety Tests.
- Discuss and properly recognize the clues of the three Standardized Field Sobriety Tests.
- Describe in a clear and convincing manner and properly record the results of the three Standardized Field Sobriety Tests on a standard note taking guide.
- Identify the limitations of the three SFSTs.

CONTENT SEGMENTS

A. Overview: Development and Validation
   Instructor-Led Demonstration

B. SFST Field Validation Studies
   Participant Practice Session and

C. Horizontal Gaze Nystagmus
   Demonstration

D. Vertical Gaze Nystagmus

E. Walk and Turn

F. One Leg Stand

G. Taking Field Notes on the Standardized Field Sobriety Tests
A. Overview: Development and Validation

For many years law enforcement officers have utilized field sobriety tests to determine a driver’s impairment due to alcohol influence. The performance of the driver on those field sobriety tests was used by the officer to develop probable cause for arrest and as evidence in court. A wide variety of field sobriety tests existed and there was a need to develop a battery of standardized valid tests.
The original research objectives were to:

- Evaluate currently used physical coordination tests to determine their relationship to intoxication and driving impairment
- Develop more sensitive tests that would provide more reliable evidence of impairment
- Standardize the tests and observations.

Beginning in late 1975, extensive scientific research studies were sponsored by NHTSA through a contract with the Southern California Research Institute (SCRI) to determine which roadside field sobriety tests were the most accurate. SCRI published the following three reports:

- California: 1977 (Lab)
- California: 1981 (Lab and Field)
- Maryland, District of Columbia, Virginia, North Carolina: 1983 (Field)
SCRI traveled to law enforcement agencies throughout the United States to select the most commonly used field sobriety tests. Six tests were used in the initial stages of this study.

1. One Leg Stand
2. Finger to Nose
3. Finger Count
4. Walk and Turn
5. Tracing (a paper and pencil exercise)

Laboratory research indicated that three of these tests, when administered in a standardized manner, were a highly accurate and reliable battery of tests for distinguishing BACs at or above 0.10; Horizontal Gaze Nystagmus (HGN), Walk and Turn (WAT), and One Leg Stand (OLS).

The research showed that these three tests were the most accurate and the remaining tests were merely reassessing the same skills.

While many field sobriety tests are valid tests, the Standardized Field Sobriety Tests have been validated through numerous research studies.
NHTSA analyzed the original SCRI research laboratory test data and found:

- HGN, by itself, was 77% accurate
- WAT, by itself, was 68% accurate
- OLS, by itself, was 65% accurate
Third Phase: Field Validation and Standardization Objectives

- Develop standardized, practical and effective procedures for police officers to use in reaching arrest/no arrest decisions
- Test the feasibility of the procedures in enforcement conditions
- Determine if tests discriminate in the field, as well as in the laboratory

B. SFST Field Validation Studies

The final phase of this study was conducted as a field validation.

- Standardized, practical and effective procedures were developed
- Determine the feasibility of the procedures for these tests in actual enforcement conditions
- The tests were determined to discriminate in the field, as well as in the laboratory.
The three standardized tests were found to be highly reliable in identifying subjects whose BACs were at or above 0.10. The results of the study unmistakably validated the SFSTs.

The “Standardized” elements included:

- Standardized Administrative Procedures
- Standardized Clues
- Standardized Criteria
The large scale field validation study was the first significant assessment of the workability of the standardized tests under actual enforcement conditions. It was also the first time completely objective clues and scoring criteria had been defined for these tests. The results of this study validated the SFSTs.

Three SFST validation studies were undertaken between 1995 and 1998:

- Colorado - 1995
- Florida - 1997
- San Diego - 1998

In order to understand the results of the research studies discussed in this course, it is important to define what is meant by a correct arrest decision. A correct arrest decision is made when an officer, after completing the third phase of the detection process, decides to arrest a subject and that subject tested above the illegal per se limit for BAC or the officer decides to release a subject who is below the illegal per se limit for BAC.
Figure 1: Matrix of possible arrest decisions illustrates the four different decisions which are present in all the validation studies. There are four quadrants, each representing a different decision. The quadrants (I and IV) represent a correct arrest decision.

The remaining subjects, incorrect arrest decisions, fall into two other categories. Members of the first group were not arrested, but tested above the illegal per se limit for BAC (quadrant II). The Colorado Study noted that a number (approximately 33%) of these individuals were considered alcohol tolerant and performed well on the SFSTs even though their BACs were above the illegal per se limit. Although these release decisions were recorded as errors based on the procedures outlined in the study, this non arrest decision ultimately benefited the driver.

The subjects in quadrant III were arrested, but their BAC was below the illegal per se limit. Many states stipulate in their statute that a driver is considered DWI if they are either above the illegal per se limit for BAC or have lost the normal use of their mental or physical faculties. Even though the arrests in quadrant III are legally justifiable according to an individual state’s statute, these decisions are recorded as errors in the research based on the procedures outlined in the study.

Each of these studies have shown that the SFST three test battery is a scientifically validated and reliable method for distinguishing between impaired and unimpaired drivers.
Colorado Field Validation Study of SFST

- First full field validation study using SFST experienced law enforcement personnel
- 86% correct arrest/release decision based on three test battery (HGN, WAT, OLS)
- 93% of those arrested had a BAC of 0.05 or higher

“A Colorado Validation Study of Standardized Field Sobriety Test Battery”

- The Colorado SFST validation study was the first full field study that utilized law enforcement personnel experienced in the use of SFSTs.

- The initial 1977 study utilized only a few experienced officers in DWI enforcement in both a laboratory setting and field setting. These officers received approximately four hours of training in field sobriety testing prior to the laboratory study.

- In the Colorado study, correct arrest/release decisions at a 0.05 BAC were 86% accurate based on the three test battery (HGN, WAT, OLS). 93% of arrested drivers had a BAC of 0.05 or higher. These results, by officers who were trained in the Standardized Field Sobriety Testing curriculum, were substantially higher than the initial 1977 study results.
Florida Field Validation Study of SFST

- 95% correct arrest decision based on three test battery (HGN, WAT, OLS)
- Validated SFSTs at 0.08 BAC and above

Florida Validation Study of the Standardized field Sobriety Test Battery”

- The Florida SFST field validation study was undertaken in order to answer the question of whether SFSTs are valid and reliable indices of the presence of alcohol when used under present day traffic and law enforcement conditions.

- Correct decisions to arrest were made 95% of the time based on the three test battery (HGN, WAT, OLS).

This was the second SFST field validation study that was undertaken.

This study was the first study conducted at the lower BAC limit of 0.08.
“Validation of the Standardized Field Sobriety Test Battery at BACs Below 0.10 %”

- The San Diego SFST validation field study was undertaken because of the nationwide trend towards lowering the BAC limits to 0.08. The question to be answered was “Do SFSTs discriminate at BACs below 0.10%?”
- The study examined the validity of SFST’s for both .08% and .04%.
- Correct arrest decisions were made 91% of the time based on the three-test battery (HGN, WAT, OLS) at the 0.08 level and above.

This is the most current research used to describe the accuracy of the SFSTs.
Based on this study:

- HGN was 88% accurate
- WAT was 79% accurate
- OLS was 83% accurate

The results of this study provide clear evidence of the validity of the three test battery to support arrest decisions at above or below 0.08. It strongly suggests that the SFSTs also identify BACs at 0.04 and above.

**Results: Three SFST 1990’s Field Studies**

**Study............................................. % Correct**

**Colorado........................................ 86% Arrest / Release Decisions**

**Florida.......................................... 95% Arrest Decisions**

**San Diego................................. 91% Arrest Decisions**

It is necessary to emphasize this validation applies only when:

- The tests are administered in the prescribed, standardized manner,
- The standardization clues are used to assess the suspect’s performance,
- The standardization criteria are employed to interpret that performance.

If any one of the SFST elements is changed, the validity may be compromised.
C. Horizontal Gaze Nystagmus

**Definition Review:** Involuntary jerking of the eyes, occurring as the eyes gaze to the side.

In addition to being involuntary:

- Person is usually unaware that it is happening.
- Person is powerless to stop it or control it.

**Key Summary Point:** Alcohol and certain other drugs cause Horizontal Gaze Nystagmus.
Categories of Nystagmus

Horizontal Gaze Nystagmus is not the only kind of nystagmus. There are other circumstances under which the eyes will jerk involuntarily.

It is important to know some of the other common types of nystagmus, to be aware of their potential impact on our field sobriety tests.

Nystagmus of several different origins may be seen. The three general categories of nystagmus are:

- Vestibular
- Neural
- Pathological Disorders and Diseases
Vestibular Nystagmus is caused by movement or action to the vestibular system.

Types of vestibular nystagmus:

- **Rotational** Nystagmus occurs when the person is spun around or rotated rapidly, causing the fluid in the inner ear to be disturbed. If it were possible to observe the eyes of a rotating person, they would be seen to jerk noticeably.

- **Post Rotational** Nystagmus is closely related to rotational nystagmus: when the person stops spinning, the fluid in the inner ear remains disturbed for a period of time, and the eyes continue to jerk.

Neither Rotational nor Post Rotational Nystagmus will interfere with the Horizontal Gaze Nystagmus test because of the conditions under which they occur.

- **Caloric** Nystagmus occurs when fluid motion in the canals of the vestibular system is stimulated by temperature as by putting warm water in one ear and cold in the other.
Positional Alcohol Nystagmus (PAN) occurs when a foreign fluid, such as alcohol, that alters the specific gravity of the blood is in unequal concentrations in the blood and the vestibular system. This causes the vestibular system to respond to gravity in certain head positions, resulting in nystagmus.

In the original HGN study, research was not conducted for performing HGN on people lying down. Current research demonstrates that HGN can be performed on someone in this position.
Nystagmus can also result directly from neural activity:

Optokinetic Nystagmus occurs when the eyes fixate on an object that suddenly moves out of sight, or when the eyes watch sharply contrasting moving images.

Examples of optokinetic nystagmus include watching strobe lights, rotating lights, or rapidly moving traffic in close proximity. The Horizontal Gaze Nystagmus test will not be influenced by optokinetic nystagmus when administered properly. During the Horizontal Gaze Nystagmus test, the suspect is required to fixate the eyes on a penlight, pencil or similar object that moves in accordance with the HGN testing procedures, thus optokinetic nystagmus will not occur. The movement of the stimulus and the fixation on the stimulus by the subject precludes this form of nystagmus from being observed by the officer.

Physiological Nystagmus is a natural nystagmus that keeps the sensory cells of the eye from tiring. It is the most common type of nystagmus. It happens to all of us, all the time. This type of nystagmus produces extremely minor tremors or jerks of the eyes. These tremors are usually too small to be seen with the naked eye. Physiological nystagmus will have no impact on our Standardized Field Sobriety Tests, because it’s tremors are usually invisible.

Gaze Nystagmus is a form of nystagmus that occurs when the eyes attempt to maintain visual fixation on a stimulus.
Gaze Nystagmus

- Horizontal
- Vertical
- Resting

For our purposes, gaze nystagmus is separated into three types:

- Horizontal
- Vertical
- Resting
Pathological Nystagmus. Caused by the presence of specific pathological disorder, which include brain tumors, other brain damage, or some diseases of the inner ear.
Horizontal Gaze Nystagmus is an involuntary jerking of the eyes, occurring as the eyes gaze to the side. It is the observation of the eyes for Horizontal Gaze Nystagmus that provides the first and most accurate test in the Standardized Field Sobriety Test battery. Although this type of nystagmus is indicative of alcohol impairment, its presence may also indicate use of certain other drugs.

Examples of other drugs are: CNS Depressants, Inhalants, and Dissociative Anesthetics such as PCP and its analogs.

Vertical Gaze Nystagmus is an involuntary jerking of the eyes (up and down) which occurs when the eyes gaze upward at maximum elevation. The presence of this type of nystagmus is associated with high doses of alcohol for that individual and certain other drugs. The drugs that cause Vertical Gaze Nystagmus are the same ones that cause Horizontal Gaze Nystagmus. There is no drug that will cause Vertical Gaze Nystagmus that may not cause Horizontal Gaze Nystagmus. If Vertical Gaze Nystagmus is present and Horizontal Gaze Nystagmus is not, it could be a medical condition.

For VGN to be recorded, it must be definite, distinct and sustained for a minimum of four seconds at maximum elevation.
Resting Nystagmus is referred to as a jerking of the eyes as they look straight ahead. Its presence usually indicates a pathological disorder or high doses of a Dissociative Anesthetic drug such as PCP. If detected, take OFFICER SAFETY precautions.

Nystagmus may also be caused by certain pathological disorders. They include brain tumors and other brain damage or some diseases of the inner ear. These pathological disorders occur in very few people and in even fewer drivers.

Nystagmus may also be caused by certain pathological disorders. They include brain tumors and other brain damage or some diseases of the inner ear. These pathological disorders occur in very few people and in even fewer drivers.
Medical Impairment

The examinations that you conduct to assess possible medical impairment include:

- Equal pupil size
- Resting nystagmus
- Equal tracking

Pupil size will be affected by some medical conditions or injuries. If the two pupils are distinctly different in size, it is possible that the subject:

- Has a prosthetic eye
- Is suffering from a head injury
- Has a neurological disorder

Resting nystagmus is referred to as jerking as the eyes look straight ahead. This condition is not frequently seen. Its presence usually indicates a pathology or high doses of a drug such as a Dissociative Anesthetic like PCP.

Resting nystagmus may also be a medical problem.

Tracking ability will be affected by certain medical conditions or injuries involving the brain. This observation is a medical assessment. If the two eyes do not track together, the possibility of a serious medical condition or injury is present.
By passing a stimulus across both eyes, you can check to see if both eyes are tracking equally. If they don't (i.e., if one eye tracks the stimulus, but the other fails to move, or lags behind the stimulus) there is the possibility of a neurological disorder.

If a person has sight in both eyes, but the eyes fail to track together, there is a possibility that the person is suffering from an injury or illness affecting the brain.

**Procedures to Assess Possible Medical Impairment**

Prior to administration of HGN, the eyes are checked for equal pupil size, resting nystagmus, and equal tracking (can they follow an object together). If the eyes do not track together, or if the pupils are noticeably unequal in size, the chance of medical disorders or injuries causing the nystagmus may be present. If the eyes track together, continue with the test and document the results.

Officers are reminded to ask questions about the subject’s eye and general health conditions prior to administering the HGN test. If a subject responds or volunteers information that he or she is blind in one eye or has an artificial eye, the officer should make note of that and may proceed with the HGN test. If there are any abnormal findings on the pre-test checks, the officer may choose not to continue with the testing. If HGN testing is continued, officers are reminded that this does not follow the standardized protocol and should acknowledge such in any report.
If HGN testing is conducted on a person with a blind eye, typical inconsistent findings could be related to the blind eye not being able to see or track the stimulus, or when the normal eye can no longer see the stimulus, e.g., when checking distinct and sustained nystagmus at maximum deviation on the blind eye side.

Source: “Eye Tests on a Suspect with a Blind Eye” Karl Citek, OD, PhD, FAAO, Pacific University College of Optometry, Sept. 2014.
Procedures of Horizontal Gaze Nystagmus Testing: The Three Clues

The test you will use at roadside is "Horizontal Gaze Nystagmus" -- an involuntary jerking of the eyes occurring as the eyes gaze to the side. When a person is impaired by alcohol or certain drugs, some jerking will be seen if the eyes are moved far enough to the side.

- **The Lack of Smooth Pursuit (Clue Number One)** - The eyes can be observed to jerk or "bounce" as they follow a smoothly moving stimulus, such as a pencil or penlight. The eyes of an impaired person will not follow smoothly, i.e., a marble rolling across sandpaper, or windshield wipers moving across a dry windshield.

- **Distinct and Sustained Nystagmus At Maximum Deviation (Clue Number Two)** - Distinct and sustained nystagmus is evident when the eye is held at maximum deviation for a minimum of four seconds and continues to jerk toward the side.

- **Onset of Nystagmus Prior To 45 Degrees (Clue Number Three)** - The point at which the eye is first seen jerking. If the jerking begins prior to 45 degrees it is evident that the person has a BAC above 0.08, as shown by recent research.

The higher the degree of impairment, the sooner the nystagmus will be observable.
Horizontal and Vertical Gaze Nystagmus can be observed directly and does not require special equipment. You will need a contrasting stimulus for the subject to follow with their eyes. This can be a penlight or pen. The stimulus used should be held slightly above eye level, so that the eyes are wide open when they look directly at it. It should be held approximately 12 - 15 inches in front of the nose. Remain aware of your position in relation to the subject at all times.

OFFICER SAFETY IS THE NUMBER ONE PRIORITY ON ANY TRAFFIC STOP.

Administrative Procedures

- Check for eyeglasses
- Verbal instructions
- Position stimulus (12-15 inches and slightly above eye level)
- Check for equal pupil size and resting nystagmus
- Check for equal tracking
- Lack of smooth pursuit
- Distinct and sustained nystagmus at maximum deviation
- Onset of nystagmus prior to 45 degrees
- Total the clues
- Check for vertical nystagmus
HGN Procedures

1. Check for eyeglasses
2. Verbal instructions
3. Position stimulus
4. Pupil size and resting nystagmus
5. Equal tracking

Administrative Procedures for Horizontal Gaze Nystagmus

It is important to administer the Horizontal Gaze Nystagmus test systematically using the following steps, to ensure that nothing is overlooked.

There are 10 steps in the systematic administration of the Horizontal Gaze Nystagmus test.

Step 1: Check for Eyeglasses. (Note if subject wears contacts, especially colored contacts because some colored contacts may affect the ability to compare pupil size)

Begin by instructing the subject to remove eyeglasses, if worn.

It does not matter whether the subject can see the stimulus with perfect clarity. The subject just needs to see it and be able to follow it.

Step 2: Verbal Instructions.

Give the subject the appropriate verbal instructions:

Point out that officers’ should note whether subject sways, wobbles, etc. while trying to balance.

- Put feet together, hands at the side
- Keep head still
- Look at the stimulus
- Follow movement of the stimulus with the eyes only
- Keep looking at the stimulus until told the test is over
Step 3: Position the Stimulus.

Position the stimulus approximately 12 - 15 inches (30 - 38 cm) in front of subject's nose, and slightly above eye level to commence the test.

Resting Nystagmus may be observed at this time. Officers should note whether the subject displays Resting Nystagmus.

Step 4: Equal Pupil Size and Resting Nystagmus.

Check for equal pupil size and resting nystagmus.

Step 5: Equal Tracking.

Check for equal tracking. Move the stimulus rapidly from center to far right, to far left and back to center.

The speed of the stimulus should be approximately the same speed used as checking for the lack of smooth pursuit.
Step 6: Lack of Smooth Pursuit. Check the left eye for lack of the "Smooth Pursuit" clue. If the eye is observed to jerk while moving, that is one clue.

Check the right eye for lack of the "Smooth Pursuit" clue and compare.

Step 7: Check the right and left eye for the "distinct and sustained nystagmus at maximum deviation" clue. If the jerkiness is distinct and sustained, that is one clue.

Step 8: Onset of Nystagmus Prior to 45 Degrees. Check the left eye for the "onset of nystagmus prior to 45 degrees" clue. If the jerking begins prior to 45 degrees, that is one clue.

Check the right eye for "onset of nystagmus prior to 45 degrees" clue, and compare.
Step 9: Total the clues

Maximum number of clues possible for each eye: 3

Total maximum number of clues possible for both eyes: 6

Step 10: Check for Vertical Nystagmus

It is possible that all three clues definitely will be found in one eye, while only two (or sometimes only one) will show up in the other eye. It is always necessary to check both eyes, and to check them independently. Notwithstanding, it is unlikely that the eyes of someone under the influence of alcohol will behave totally different.

Thus, if one eye shows all three clues distinctly while the other eye gives no evidence of nystagmus, the person may be suffering from one of the pathological disorders covered previously.
Test Interpretation

Look for three clues of nystagmus in each eye:

• Lack of smooth pursuit
• Distinct and sustained Nystagmus at maximum deviation
• Onset of Nystagmus prior to 45 degrees

Based on recent research, if you observe four or more clues it is likely that the subject's BAC is at or above 0.08. Using this criterion you will be able to classify about 88% of your subjects accurately. This was determined during laboratory and field testing and helps you weigh the various Standardized Field Sobriety Tests in this battery as you make your arrest decision.
Three Clues of Horizontal Gaze Nystagmus

When we administer the Horizontal Gaze Nystagmus test, we look for three specific clues as evidence of alcohol influence.

We check each eye independently for each clue.

For standardization, begin with the subject’s left eye. Check for the first clue. Next, check right eye for same clue. Repeat this procedure for each clue starting with left eye, then right eye. Compare and document the results.

When we are checking an eye, it is good practice to administer the test by the numbers each time, to make sure that no step is overlooked.
Clue No. 1: Lack of Smooth Pursuit

The first clue requires that the subject move the eye to follow the motion of a smoothly moving stimulus.

The stimulus may be the eraser on a pencil, the tip of a penlight, the tip of your finger, or any similar small object.

Begin by holding the stimulus vertically approximately 12 - 15 inches (30 - 38 cm) in front of the subject’s nose, and slightly above eye level.

Move the stimulus smoothly all the way out to the right (checking subject’s left eye first) then move the stimulus smoothly all the way across the subject’s face to the left side (checking the subject’s right eye), then back to center. Carefully watch the subject’s left eye and determine if it is able to pursue smoothly.

Make at least two complete passes with the stimulus

If a person is not impaired by alcohol (or drugs that cause HGN), the eyes should move smoothly as the object is moved back and forth.

Analogy: movement of the eyes of a person not impaired by alcohol (or drugs that cause HGN) will be similar to the movement of windshield wipers across a wet windshield versus an impaired person and windshield wipers moving across a dry windshield.
The Mechanics of Clue Number 1

It is necessary to move the object smoothly in order to check the eye’s ability to pursue smoothly.

The stimulus should be moved from center position, all the way out to the right side (checking subject's left eye) where the eye can go no further, and then all the way back across subject's face all the way out to the left side where the eye can go no further (checking subject's right eye) and then back to the center.

The object must be moved steadily, at a speed that takes approximately 2 seconds to bring the eye from center to side.

In checking for this clue, make at least two complete passes in front of the eyes.

If you are still not able to determine whether or not the eye is jerking as it moves, additional passes may be made in front of the eyes.
Live Demonstration of the Mechanics of Clue No. 1
Participant Practice of the Mechanics of Clue No. 1
Participant Led Demonstration

Clue Number 1
Clue Number 2: Distinct and Sustained Nystagmus at Maximum Deviation

Once you have completed the check for lack of smooth pursuit, you will check the eyes for distinct and sustained nystagmus when the eye is held at maximum deviation, beginning with the subject's left eye.

The Mechanics of Clue Number 2

Once again, position the stimulus approximately 12 - 15 inches (30 - 38 cm) in front of subject's nose and slightly above eye level.

Move the stimulus off to the right side (checking subject's left eye) until the eye has gone as far as possible.

Hold the stimulus steady at that position for a minimum of four (4) seconds, and carefully watch the eye.

Then, move the stimulus back across the subject's face all the way out to the left side (subject's right eye).
Clue Number 2
Distinct and Sustained Nystagmus at Maximum Deviation

Four seconds will not cause fatigue nystagmus. This type of nystagmus may begin if a subject’s eye is held at maximum deviation for more than 30 seconds.

Hold the stimulus steady and carefully watch the eye.

If the person is impaired, the eye is likely to exhibit definite, distinct and sustained jerking when held at maximum deviation for a minimum of 4 seconds.

In order to "count" this clue as evidence of impairment, the nystagmus must be distinct and sustained for a minimum of 4 seconds.

If you think you see only slight nystagmus at this stage of the test, or if you have to convince yourself that nystagmus is present, then it isn’t really there.
Live Demonstration of the Mechanics of Clue No. 2
Participant practice of the mechanics of Clue No. 2

Participant Led Demonstrations
Clue No. 3: Onset of Nystagmus Prior to 45 Degrees

Once again, position the stimulus approximately 12 - 15 inches (30 - 38 cm) in front of subject's nose and slightly above eye level.

The angle of onset of nystagmus is simply the point at which the eye is first seen jerking.

Examples: With someone at a very high BAC (0.20+), the jerking might begin almost immediately after the eye starts to move toward the side. For someone at 0.08 BAC, the jerking might not start until the eye has moved nearly to the 45 degree angle.

Generally speaking, the higher the BAC, the sooner the jerking will start as the eye moves toward the side.

If the jerking begins prior to 45 degrees, that person’s BAC could be 0.08 or above.

It is not difficult to determine when the eye has reached the 45 degree point, but it does require some practice.

If you start with the stimulus approximately 12 - 15 inches (30 - 38 cm) directly in front of the nose, you will reach 45 degrees when you have moved the stimulus an equal distance to the side. Two other important indicators can be used to determine if the eye is within 45 degrees.

At 45 degrees, some white usually will still be visible in the corner of the eye (for most people).
The Mechanics of Clue No. 3

The stimulus is positioned approximately 12 - 15 inches from (30 - 38 cm) subject's nose and slightly above eye level. It is necessary to move the stimulus slowly to identify the point at which the eye begins to jerk.

Start moving the stimulus towards the right side (left eye) at the speed that would take approximately 4 seconds for the stimulus to reach a 45 degree angle.

As you are slowly moving the stimulus, watch the eye carefully for any sign of jerking.

When you see the jerking begin, immediately stop moving the stimulus and hold it steady at that position.

With the stimulus held steady, look at the eye and verify that the jerking is continuing.

If the jerking is not evident with the stimulus held steady, you have not located the point of onset. Therefore, resume moving the stimulus slowly toward the side until you notice the jerking again.

When you locate the point of onset of nystagmus, you must determine whether it is prior to 45 degrees.
Verify that some white is still showing in the corner of the eye.

Examine the alignment between the stimulus and the edge of the subject's shoulder.

Start moving the stimulus towards the left side (right eye) at the speed that would take approximately 4 seconds for the stimulus to reach a 45 degree angle.

As you are slowly moving the stimulus, watch the eye carefully for any sign of jerking.

When you see the jerking begin, immediately stop moving the stimulus and hold it steady at that position.

With the stimulus held steady, look at the eye and verify that the jerking is continuing.

If the jerking is not evident with the stimulus held steady, you have not located the point of onset. Therefore, resume moving the stimulus slowly toward the side until you notice the jerking again.

When you locate the point of onset of nystagmus, you must determine whether it is prior to 45 degrees.

Verify that some white is still showing in the corner of the eye.
Live Demonstration of the Mechanics of Clue No. 3
Participant practice of the mechanics of Clue No. 3

Participant led demonstration.
Training Aid: The 45 Degree Template

A training aid has been provided to help you practice estimating a 45 degree angle.

- The outline of a square, with its diagonal line, gives us a 45 degree angle.
- This outline, or template, is provided for practice only.
- It is not to be used with actual DWI subjects.

To use the template, have your training partner hold the corner of the square under the nose. When you line up your stimulus with the diagonal line, your partner will be looking along a 45 degree angle.
Coaching and Critiquing Participants' Practice

Participant led Demonstration
**Test Interpretation**

Based upon the original developmental research into Horizontal Gaze Nystagmus, the criterion for this test is 4.

If a person exhibits at least 4 out of the possible 6 clues, the implication is a BAC above 0.08. Using this criterion, the test is 88% accurate.
Session 8 - Concepts and Principles of the Standardized Field Sobriety Tests (SFST)

**Horizontal Gaze Nystagmus Test Demonstration**

- Check for eyeglasses
- Verbal instructions
- Position stimulus (12-15 inches and slightly above eye level)
- Check for equal pupil size and resting nystagmus
- Check for equal tracking

**Administrative Procedures**

- Lack of smooth pursuit
- Distinct and sustained nystagmus as maximum deviation
- Onset of nystagmus prior to 45 degrees
- Total the clues
- Check for vertical nystagmus

**Test Demonstration**
D. Vertical Gaze Nystagmus (VGN)

The Vertical Gaze Nystagmus test is simple to administer. During the Vertical Gaze Nystagmus test, look for jerking as the eyes move up and are held for a minimum of four seconds at maximum elevation.

- Position the stimulus horizontally, about 12 - 15 inches in front of the subject's nose.
- Instruct the subject to hold the head still, and follow the object with the eyes only.
- Raise the object until the subject's eyes are elevated as far as possible.
- Hold for a minimum of four seconds.
- Watch closely for evidence of the eyes jerking upward.
Participant led demonstration.

For VGN to be recorded, it must be distinct and sustained for a minimum of four seconds at maximum elevation.

VGN may be present in subjects under the influence of high doses of alcohol for that individual, and some other drugs.
E. Walk and Turn

Test Stages

Like all divided attention tests, Walk and Turn has two stages.

They are:

- instructions stage
- walking stage

Both stages are important, because they can affect the subject's overall performance on the test.
Test Conditions

Whenever possible, the Walk and Turn test should be conducted on a reasonably dry, hard, level, non-slippery surface. There should be sufficient room for subjects to complete nine heel-to-toe steps. Recent field validation studies have indicated that varying environmental conditions have not affected a subject’s ability to perform this test.

The original SCRI studies suggested that individuals over 65 years of age or people with back, leg or inner ear problems had difficulty performing this test. Less than 1.5% of the test subjects in the original studies were over 65 years of age. Also, the SCRI studies suggest that individuals wearing heels more than 2 inches high should be given the opportunity to remove their shoes. Officers should consider all factors when conducting SFSTs.

Procedures for Walk and Turn Testing
Instructions Stage: Initial Positioning and Verbal Instructions

For standardization in the performance of this test, have the subject assume the heel-to-toe stance by giving the following verbal instructions, accompanied by demonstrations:

Place your left foot on the line (real or imaginary).

Place your right foot on the line ahead of the left foot, with the heel of your right foot against the toe of the left foot.

Place your arms down at your sides.

Maintain this position until I have completed the instructions. **Do not start** to walk until told to do so.

Do you understand the instructions so far? (Make sure subject indicates understanding.)
Demonstrations and Instructions for the Walking Stage

Explain the test requirements by giving instructions, accompanied by demonstrations:

When I tell you to start, take nine heel-to-toe steps on the line, turn, and take nine heel-to-toe steps down the line.

When you turn, keep the front (lead) foot on the line, and turn by taking a series of small steps with the other foot, like this.

While you are walking, keep your arms at your sides, watch your feet at all times, and count your steps out loud.

Once you start walking, don't stop until you have completed the test.

Do you understand the instructions? (Make sure subject understands.)

Instruct the person to begin the test.
Test Interpretation

You may observe a number of different behaviors when a subject performs this test. Original research demonstrated that the behaviors listed below are likely to be observed in someone with a BAC at or above 0.08. Look for the following clues each time this test is given:

**Cannot keep balance while listening to the instructions.** Two tasks are required at the beginning of this test. The subject must balance heel-to-toe on the line, and at the same time, listen carefully to the instructions. Typically, the person who is impaired can do only one of these things. The subject may listen to the instructions, but not keep balance. Record this clue if the subject does not maintain the heel-to-toe position throughout the instructions. (Feet must actually break apart or step off the line.) Do not record this clue if the subject sways or uses the arms to balance but maintains the heel-to-toe position.
Walk and Turn Test Clues

- Starts too soon
- Stops while walking
- Does not touch heel-to-toe

**Starts too soon.** The impaired person may also keep balance, but not listen to the instructions. Since you specifically instructed the subject not to start walking “until I tell you to begin,” record this clue if the subject does not wait.

**Stops while walking.** The subject stops while walking. **Do not** record this clue if the subject is merely walking slowly.

**Does not touch heel-to-toe.** The subject leaves a space of more than one half inch between the heel and toe on any step.
Walk and Turn Test Clues

- Steps off line
- Uses arms to balance
- Improper turn
- Incorrect number of steps

Steps off the line. The subject steps so that one foot is entirely off the line.

Uses arms to balance. The subject raises one or both arms more than 6 inches from the sides in order to maintain balance.

Improper turn. The subject removes the front foot from the line while turning. Also record this clue if the subject has not followed directions as instructed, i.e., spins or pivots around or loses balance while turning.

Incorrect number of steps. Record this clue if the subject takes more or fewer than nine steps in either direction.
SFSTs are a tool to assist you in seeing visible signs of impairment and are not a pass/fail test.

If subject can't do the test, record observed clues and document the reason for not completing the test, e.g. subject’s safety.

Remember that the SFSTs are a tool to assist you in seeing visible signs of impairment and are not a pass/fail test.

Subject gets into a "leg lock" position (legs crossed, unable to move.)

If the subject has difficulty with the test (for example, steps off the line), Continue from that point, not from the beginning. This test may lose its sensitivity if it is repeated several times.

Observe the subject from a safe distance and limit your movement which may distract the subject during the test. **Always consider officer safety.**
Walk and Turn Test Criterion

2 or more clues indicates BAC at or above 0.08 (79% accurate)

Based on recent research, if the subject exhibits two or more clues on this test or fails to complete it, classify the subject's BAC as at or above 0.08. Using this criterion, you will be able to accurately classify 79% of your subjects.

Review of Divided Attention Definition

Walk and Turn is a field sobriety test based on the important concept of divided attention. The test requires the subject to divide attention among mental tasks and physical tasks. The mental tasks include comprehension of verbal instructions; processing of information; and, recall of memory.

The physical tasks include balance and coordination; the subject is required to maintain balance and coordination while standing still, walking, and turning.
Instruction Stage

Test Demonstrations
F. One Leg Stand

Test Stages

Like all divided attention tests, One Leg Stand has two stages. They are:

- Instructions stage
- Balance and counting stage

Both stages are important, because they can affect the subject's overall performance on the test.
Test Conditions

One Leg Stand requires a reasonably dry, hard, level, and non slippery surface. Subject's safety should be considered at all times.

Standardizing this test for every type of road condition is unrealistic. The original research study recommended that this test be performed on a dry, hard, level, non slippery surface and relatively safe conditions. If not, the research recommends:

1) subject be asked to perform the test elsewhere, or
2) only HGN be administered

However, recent field validation studies have indicated that varying environmental conditions have not affected a subject’s ability to perform this test.

The original SCRI studies suggested that individuals over 65 years of age; people with back, leg or inner ear problems; or people who are overweight by 50 or more pounds may have difficulty performing this test. Less than 1.5% of the test subjects in the original studies were over 65 years of age. There was no data containing the weight of the test subjects included in the final report. Also, the SCRI studies suggest that individuals wearing heels more than 2 inches high should be given the opportunity to remove their shoes.
Instructions Stage: Initial Positioning and Verbal Instructions

Initiate the test by giving the following instructions, accompanied by demonstrations.

Please stand with your feet together and your arms down at the sides, like this.

Do not start to perform the test until I tell you to do so.

Do you understand the instructions so far?
**Administrative Procedures**

**Balance and counting stage:**
- Raise either leg
- Keep raised foot approximately six inches (15 cm) off ground, parallel to the ground
- Keep both legs straight and arms at your side
- Keep eyes on raised foot
- Count out loud in the following manner: “one thousand one, one thousand two, one thousand three and so on”, until told to stop

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**Demonstrations and Instructions for the Balance and Counting Stage**

Explain the test requirements, using the following verbal instructions, accompanied by demonstrations:

When I tell you to start, raise either leg with the foot approximately six inches off the ground, keeping your foot parallel to the ground.

Keep both legs straight and your arms at your side.

While holding that position, count out loud in the following manner: “one thousand one, one thousand two, one thousand three,” and so on until told to stop.

Keep your arms at your sides at all times and keep watching the raised foot.

Do you understand?

Go ahead and perform the test. (Officer should always time the 30 seconds. Test should be discontinued after 30 seconds.)

Observe the subject from a safe distance.
One Leg Stand Test Clues

- Sways while balancing
- Uses arms to balance
- Hopping
- Puts foot down

Test Interpretation

You may observe a number of different behaviors when a subject performs this test. The original research found the behaviors listed below are the most likely to be observed in someone with a BAC at or above 0.08. When administering the One Leg Stand test, we look for certain specific behaviors. Each behavior or action is considered one clue. There is a maximum number of 4 clues on this test. Look for the following clues each time the One Leg Stand test is administered.

The subject sways while balancing. This refers to side to side or back and forth motion while the subject maintains the One Leg Stand position.

Slight tremors of the foot or body should not be interpreted as swaying.

Uses arms to balance. Subject moves arms 6 or more inches from the side of the body in order to keep balance.
**Hopping.** Subject is able to keep one foot off the ground, but resorts to hopping in order to maintain balance.

**Puts foot down.** The subject is not able to maintain the One Leg Stand position, putting the foot down one or more times during the 30 second count.

If the subject puts the foot down, give instructions to pick the foot up again and continue counting from the point at which the foot touched.

If subject can't do the test, record observed clues and document the reason for not completing the test, e.g. subject’s safety.

Remember that time is critical in this test. The original SCRI research has shown a person with a BAC above 0.10 can maintain balance for up to 25 seconds, but seldom as long as 30.
Based on recent research, if an individual shows two or more clues or fails to complete the One Leg Stand, there is a good chance the BAC is at or above 0.08. Using that criterion, you will accurately classify 83% of the people you test as to whether their BAC's are at or above 0.08.

Observe the subject from a safe distance and minimize movement during the test so as not to interfere. If the subject puts the foot down, give instructions to pick the foot up again and continue counting from the point at which the foot touched the ground. If the subject counts very slowly, terminate the test after 30 seconds.

Review of Divided Attention Definition

One Leg Stand is another field sobriety test that employs divided attention.

The subject's attention is divided among such simple tasks as balancing, listening, and counting out loud.

Although none of these is particularly difficult in itself, the combination can be very difficult for someone who is impaired.
**Test Demonstrations**
### G. Taking Field Notes on the Standardized Field Sobriety Tests

For purposes of the arrest report and courtroom testimony, it is not enough to report the number of clues on the three tests.

The numbers are important to the police officer in the field, because they help determine whether there is probable cause to arrest.

But to secure a conviction, more descriptive evidence is needed.

The officer must be able to describe how the subject performed on the tests, and what the subject did.

The standard note taking guide is designed to help develop a clear description of the subject’s performance on the tests.
Equal Pupils □ Yes □ No
Equal Tracking □ Yes □ No
Resting Nystagmus □ Yes □ No
Other _______________________________

Complete the entire procedure for both eyes, checking "yes" or "no" for each clue.
Check box ✓ if the clue is present.
For standardization, test the subject's left eye first.
Then, check for the same clue in the right eye.
If clue is not present, leave box blank.
After both eyes have been completely checked, total the number of HGN clues observed.
Complete the check for vertical gaze nystagmus
If present, circle Y. If not present, circle N.
In the section labeled "other", record any facts, circumstances, conditions or observations that may be relevant to this procedure.
Examples of additional evidence of impairment emerging while checking for nystagmus:

• Subject unable to keep head still
• Subject swaying noticeably
• Subject utters incriminating statements
Examples of conditions that may interfere with subject's performance while checking for nystagmus:

Wind, dust, etc. (irritating subject's eyes).

NOTE: Try to face subject away from flashing or strobe lights that could cause visual or other distractions that could impede the test.

Visual or other distractions impeding the test.
The section on the Walk and Turn test appears at the top of the guide's back side.

First two clues are checked only during the instructions stage.

In the boxes provided check (√) the number of times the clue appears during the instructions stage.

Example: if subject loses balance twice during the instructions stage, Place two (√) check marks in the box.

Example: If the subject does not start too soon, write "0" in that box.

Record the next four clues separately for each nine steps.

If subject stops walking, record it by drawing a vertical line from the toe at the step at which the stop occurred and place a letter “S” at bottom of vertical line to indicate “stops walking”. Do this for each of the nine steps.

How many times during first nine steps?

How many times during second nine steps

If subject fails to touch heel-to-toe, record how many times this happens and place a letter “M” at bottom of vertical line to indicate missed heel-to-toe.

If subject steps off the line while walking, record it by drawing a line from the appropriate footprint at the angle in the direction in which the foot stepped. Do this for each nine steps.

If subject uses arms to balance, give some indication of how often or how long this happens.

Example: subject raised arms from sides three times

Place three (√) check marks in the box.

Record the actual number of steps taken by subject, in each direction.
For the next clue, “Improper Turn,” record a description of the turn.

- Example: turned incorrectly
- Example: stumbled, to left
- Example: wrong direction
- Example: no small steps
- If the turn is correct, note: N/A

If the subject is unable to safely complete the test, you may stop the test early. Document the reasons the test was stopped.

At end of the test, examine each factor and determine the total number of clues recorded.

In the section labeled "other", record any facts, circumstances, conditions or observations that may be relevant to this test.

Examples of additional evidence of impairment emerging during Walk and Turn test.
Considerations for the Walk and Turn Test

- Straight line
- Dry, hard, level, non-slippery surface
- Room for nine heel-to-toe steps

Examples of conditions that may interfere with subject's performance of the Walk and Turn test:

- Wind/Weather conditions
- Subject's age
- Subject's footwear
One Leg Stand Field Notes

One Leg Stand:

- [ ] Sways while balancing
- [ ] Uses arms to balance
- [ ] Hopping
- [ ] Puts foot down

Type of Footwear: ________________
Other: _________________________

Type of Footwear _________________

Record the subject's performance separately.

For each clue, record how often it appears with a (√) check mark.

If subject sways, indicate how often with a (√) check mark.

Indicate above the feet the number they were counting when they put their foot down.

Check marks should be made to indicate the number of times the subject swayed, used arms, hopped or put foot down.

Place (√) check marks in or near the small boxes to indicate how many times you observed each of the clues.

In addition, if the subject puts the foot down during the test, record when it happened. To do this, write the count number at which the foot came down.

For example, suppose that, when standing on the left leg, the subject lowered the right foot at a count of "one thousand thirteen," and again at "one thousand twenty."

If subject uses arms to balance, indicate how often arms were raised.

If subject is hopping, indicate how many hops were taken.

If subject puts foot down, indicate how many times the foot came down.

If the subject is unable to safely complete the test, you may stop the test early. Document the reasons the test was stopped.
At end of the test, examine each clue and determine how many clues have been recorded.

In the section labeled "other", record any facts, circumstances, conditions or observations that may be relevant to this test.

Examples of additional evidence of impairment emerging during One Leg Stand test:

Subject verbally miscounts 30 seconds

Subject utters incriminating statements.

At end of the test, examine each factor and determine how many clues have been recorded. Remember, each clue may appear several times, but still only constitutes one clue.

Officers who are video recording the Standardized Field Sobriety Tests may choose to document any observed clues by voicing them into the recording as the clues are observed.
**Test Your Knowledge**

1. Walk and Turn is an example of _______ field sobriety test.

2. The Walk and Turn requires a real or imaginary line and ________

3. During the ________ stage of the Walk and Turn, the suspect is required to count out loud.

4. Based upon the San Diego study, the Walk and Turn test can determine whether a subject’s BAC is above or below 0.08, ________ % of the time.

5. In the Walk and Turn test, a subject who steps off the line during the first 9 steps and once again during the second 9 steps and who raises arms for balance twice during the second nine steps has produced ________ distinct clue(s).
6. The Walk and Turn test has _______ possible clues.

7. During the _______ stage of the One Leg Stand test the subject must maintain balance while standing on one foot.

8. The One Leg Stand test requires that the subject keep the foot raised for _______ seconds.

9. Based upon the San Diego study, the One Leg Stand test can determine whether a subject's BAC is above or below 0.08, _______ % of the time.

10. In the One Leg Stand test, a subject who sways has produced _______ clue(s).

11. In the One Leg Stand test, a subject who raises arms, is hopping, and puts foot down has produced _______ clue(s).
12. The maximum number of clues for Horizontal Gaze Nystagmus that can appear in one eye is _________.

13. Based upon the San Diego study, the HGN test can determine whether a subject's BAC is above 0.08, ________% of the time.

14. The third clue of HGN is an onset of nystagmus prior to ________ degrees.
45°
Participant Manual

DWI Detection and Standardized Field Sobriety Testing (SFST)

Session 9

Test Battery Demonstrations
Upon successfully completing this session the participant will be able to:

- Demonstrate the appropriate administrative procedures for the Standardized Field Sobriety Testing Battery.

CONTENT SEGMENTS ......................................................................................................................... LEARNING ACTIVITIES
A. Live Classroom Demonstrations ................................................................. Instructor-Led Presentation
A. **Live Classroom Demonstrations**

*Instructor-Led Demonstrations*

- Horizontal and Vertical Gaze Nystagmus
- Walk and Turn
- One Leg Stand
Participant Led Demonstration

Three tests:
• Horizontal and Vertical Gaze Nystagmus
• Walk and Turn
• One Leg Stand
QUESTIONS?
Session 10

“Dry Run” Practice Session
Upon successfully completing this session the Participant will be able to:

- Demonstrate the proper administration of the three Standardized Field Sobriety Tests.

**CONTENT SEGMENTS**

**LEARNING ACTIVITIES**

A. Procedures and Group Assignments ........................................... Instructor-Led Presentation
B. Live Administration of SFST Battery............................................. Participant Practice Session
C. Hands on Practice ........................................................................ Instructor-Led Presentation
A. Procedures and Group Assignments

Practice procedures
- Horizontal and Vertical Gaze Nystagmus
- Walk and Turn
- One Leg Stand
- Participants record each other's performance
B. Live Administration of SFST Battery
C. Hands on Practice
PARTICIPANT PROFICIENCY EXAMINATION
STANDARDIZED FIELD SOBRIETY TEST BATTERY

Name ________________________________ Date _________ / _________ / _________
Agency ______________________________________________________________________

I. HORIZONTAL GAZE NYSTAGMUS

1. ___ Have subject remove glasses if worn.
2. ___ Stimulus held in proper position (approximately 12”-15” from nose, just slightly above eye level.
3. ___ Check for equal pupil size and resting nystagmus.
4. ___ Check for equal tracking.
5. ___ Smooth movement from center of nose to maximum deviation in approximately 2 seconds and then back across subject’s face to maximum deviation in right eye, then back to center. Check left eye, then right eye. (Repeat)
6. ___ Eye held at maximum deviation for a minimum of 4 seconds (no white showing). Check left eye, then right eye. (Repeat)
7. ___ Eye moved slowly (approximately 4 seconds) from center to 45 angle. Check left eye, then right eye. (Repeat)
8. ___ Check for Vertical Gaze Nystagmus. (Repeat)

II. WALK AND TURN

1. ___ Instructions given from a safe position.
2. ___ Tells subject to place feet on a line in heel-to-toe manner (left foot behind right foot) with arms at sides and gives demonstration.
3. ___ Tells subject not to begin test until instructed to do so and asks if subject understands.
4. ___ Tells subject to take nine heel-to-toe steps on the line and demonstrates.
5. ___ Explains and demonstrates turning procedure.
6. ___ Tells subject to return on the line taking nine heel-to-toe steps.
7. ___ Tells subject to count steps out loud.
8. ___ Tells subject to look at feet while walking.
9. ___ Tells subject not to raise arms from sides.
10. ___ Tells subject not to stop once they begin.
11. ___ Asks subject if all instructions are understood.
III. ONE LEG STAND

1. ___ Instructions given from a safe position.
2. ___ Tells subject to stand straight, place feet together, and hold arms at sides.
3. ___ Tells subject not to begin test until instructed to do so and asked if subject understands.
4. ___ Tells subject to raise one leg, either leg, approximately 6” from the ground, keeping raised foot parallel to the ground, and gives demonstration.
5. ___ Tells subject to keep both legs straight and to look at elevated foot.
6. ___ Tells subject to count out loud in the following manner: one thousand one, one thousand two, one thousand three, and so on until told to stop, and gives demonstration.
7. ___ Checks actual time subject holds leg up. (Time for 30 seconds.)

Instructor: ____________________________________________________________

Note: In order to pass the proficiency examination, the student must explain and proficiently complete each of the steps listed.
Session 11

“Testing Subjects”
Practice: First Session
Upon successfully completing this session the participant will be able to:

- Properly administer the SFST’s
- Properly observe and record subject’s performance utilizing the standard note taking guide
- Properly interpret the subject’s performance
- Properly use and maintain the SFST Field Arrest Log

**CONTENT SEGMENTS**

**LEARNING ACTIVITIES**

A. Procedures .......................................................... Instructor-Led Presentations
B. Hands on Practice .................................................... Participant Practice Session
C. Use and Maintenance of SFST Field Arrest Log .................. Instructor-Led Presentation
D. Session Wrap Up ......................................................... Instructor-Led Discussion
A. **Procedures**

- Same teams as dry run
- Each team member administers one complete series of tests to at least one drinking volunteer
- Prepare descriptive written test record on each volunteer tested
- Other team members observe and record performance
Procedures

- Escort volunteer to the next scheduled team
- When segment is complete, volunteers are escorted to breath testing station
- BACs announced during “wrap-up”

B. Hands on Practice
C. Use and Maintenance of SFST Field Arrest Log (IACP strongly recommends the use of this log)

The SFST Field Arrest Log is used to record the results of the SFSTs performed on suspected impaired subjects.

This log is important in documenting an officer's experience and proficiency in performing and interpreting SFSTs.

This log has the following components:

- The actual date the SFSTs were administered
- Subject's full name
- Results of each SFST test
- Classification of BAC as above or below 0.08 BAC
- Arrest/Not Arrest
- Subject's measured BAC (if available)
- Remarks

Utilization of Log

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D. Session Wrap Up
QUESTIONS?
### Sample Dry Erase Board Array for Tabulating Results

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<thead>
<tr>
<th>“Designated Subjects”</th>
<th>Horizontal Gaze Nystagmus</th>
<th>Walk and Turn</th>
<th>One Leg Stand</th>
<th>Arrest?</th>
</tr>
</thead>
<tbody>
<tr>
<td>“A”</td>
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<td>“B”</td>
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# SFST Field Arrest Log

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<tr>
<th>Date</th>
<th>Name</th>
<th>HGN</th>
<th>WAT</th>
<th>OLS</th>
<th>BAC +/- .08</th>
<th>Arrest / Not Arrest</th>
<th>Measured BAC</th>
<th>Remarks</th>
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Session 11-A

Dry Lab