

MEMORANDUM



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**

TO: Pete Bodyk, Bureau Chief
Bureau of Traffic Safety
700 S. W. Harrison
Topeka, KS 66603-3754

FROM: Susan D. Ryan
Director, Office of Safety Programs
National Highway Traffic Safety Administration

RE: Standardized Field Sobriety Testing (SFST) Program Assessment
Report

I would like to thank you for participating in the National Highway Traffic Safety Administration's (NHTSA) Standardized Field Sobriety Testing (SFST) Program Assessment process. It was a pleasure to work with your staff and other Kansas officials involved in the assessment process held on March 14-15, 2006 in Topeka, Kansas.

NHTSA is dedicated to cultivating partnerships with State and local agencies to address the enforcement of impaired driving laws nationally. We strongly believe that the SFST program is the cornerstone of any successful impaired driving program. Kansas has demonstrated its commitment to the SFST program by allowing a panel of experts to review the processes and procedures used in the state to carry out the program.

The purpose of this program assessment was to provide you with a snapshot of the current condition of the SFST program in your state. The individuals interviewed were most helpful and willing to demonstrate the role of the current condition of the program.

The assessment team was able to identify both strengths and limitations in your SFST program. Attached is a report of findings the team compiled during the SFST assessment. These findings have been prioritized for your convenience and implementation.

We appreciate the opportunity to work with you and your staff on this very important program. If NHTSA can be of any further assistance with this matter, please feel free to contact Garrett Morford or Dean Kuznieski with the Enforcement and Justice Services staff, or Romell Cooks, Central Region Administrator.

Attachment:

Cc: Romell Cooks
Jack Oates
Heidi Coleman

STATE OF KANSAS

Standardized Field Sobriety Testing Program Assessment

March 14 – 16, 2006

Assessment Team

Robert Hohn
Bruce Stanford

Table of Contents

Acknowledgements.....	5
Introduction.....	6
Priority Recommendations	7
Assessment Tool Synopsis	8
Program Administration Assessment Results.....	10
Program Operational Assessment Results	12
Program Prosecution and Adjudication Assessment Results	14
Appendices	16
Appendix A – Participants.....	17
Appendix B - National Impaired Driving Resources	18
Appendix C - Assessment Team Biographies	19
Appendix D - SFST Administrators Guide	22
Appendix E - Proficiency Examination.....	30

Acknowledgements

The Technical Assistance Team acknowledges and thanks Pete Bodyk, Chief, Department of Transportation, Bureau of Traffic Safety, Robert Eichkorn, and Dave Corp for their support and able assistance in making this assessment possible. In addition, the National Highway Traffic Safety Administration (NHTSA) acknowledges and thanks: Sergeant Don O'Dell, Topeka Police Department; Senior Assistant DA Karen Wittman, Shawnee County District Attorney's Office; Deputy Steve Olson, Sedgwick County Sheriff's Office; Lieutenant Dave Weed, Kansas Highway Patrol; Mr. Jeff Collier, Kansas Highway Patrol; Judge Karen Arnold-Burger, Overland Park Municipal Court; Undersheriff Kevin Cavanaugh, Johnson County Sheriff's Office; Sergeant Tom Hogard, Leawood Police Department; Deputy Bob Hamilton, Johnson County Sheriffs Office; Mr. Ted Griffith, City of Wichita Prosecutors Office; Director Ed Pavey and the staff of the Kansas Law Enforcement Training Center, for their assistance and participation in the assessment process.

The assessment process was conducted by Robert Hohn from NHTSA, and Bruce Stanford from the Georgia Police Academy. The Central Region staff also assisted the State with program assessment preparation.

The Team believes this report will contribute to the State's efforts to enhance the effectiveness of its impaired driving training program by better equipping law enforcement officials with the knowledge and skills to detect, arrest, and prosecute drug and alcohol impaired drivers.

The Team also wishes to commend everyone involved in the day-to-day activities associated with reducing impaired driving in Kansas and encouraging them to continue their activities in this important endeavor.

Introduction

In 2004, 42,636 persons were killed and nearly 2.8 million injured in police-reported motor vehicle crashes in the United States. Motor vehicle crashes are the leading cause of death for individuals from 5 through 27. Motor vehicle crashes are the leading cause of unintentional injury death in the United States. The economic cost of motor vehicle crashes exceeds \$230.6 billion annually.

Approximately 39 percent (16,694) of traffic fatalities and nearly 248,000 injuries resulting from crashes occurring in 2004 involved alcohol. The mission of the National Highway Traffic Safety Administration (NHTSA) is to reduce deaths, injuries, and economic and property losses resulting from motor vehicle crashes through enforcement strategies.

The Standardized Field Sobriety Testing (SFST) program has been available to law enforcement for approximately 20 years, and emphasis on the program is being stressed now more than ever. Since its inception, law enforcement and prosecutors have used the SFST program to make tremendous strides in the fight against impaired driving. In response, defense attorneys have become increasingly sophisticated in their defense techniques, using their knowledge of the program to attack its credibility with the goal of seeking reduced penalties imposed on their clients. Many of these techniques involve the officer's level of training, ability to testify effectively, and knowledge of updated and/or current technical information regarding the SFST program.

To reduce impaired driving related deaths on our highways and to successfully remove the drug and alcohol, impaired driver, law enforcement and prosecutors must keep abreast of emerging technical and application issues in the SFST program. Through an assessment of the State's SFST program, you will be better able to identify areas requiring improvement, develop training systems, promote accurate record keeping, and provide a plan of action for enhancing the SFST program in your State.

Priority Recommendations

Administration

Assemble an advisory panel to oversee the Statewide SFST program. Among other duties, the advisory panel will review current State standards and make recommendations for changes as necessary.

Define the duties of the SFST Coordinator to include management of all SFST training activities Statewide. The SFST coordinator shall maintain an open line of communication with all SFST Instructors, law enforcement agencies, and training academies throughout the State.

Operational

Develop and implement an SFST course schedule consistent with the contents contained in the Administrator's Guide of the SFST Curriculum to maintain statewide standardization.

Prosecution and Adjudication

Facilitate and support the hiring of a Traffic Safety Resource Prosecutor to be utilized as a resource for less experienced prosecutors throughout the State regarding impaired driving issues.

Coordinate with the District Attorney's Association to recommend a prosecutor to assist in identifying a solid DWI case where the law enforcement officer utilized the SFSTs correctly to conduct a FRYE hearing, which is the legal means to gain court acceptance of HGN in the Kansas courts.

Assessment Tool Synopsis

1. *Does your State have a dedicated SFST Training Coordinator?*

Yes, the State has a dedicated SFST coordinator located in the Kansas Highway Patrol, Breath Alcohol Unit, however the coordination activities do not appear to extend to all law enforcement agencies and training academies within the State.

2. *Does your State follow the NHTSA/IACP curriculum?*

Yes, 2004 version of SFST training curriculum.

3. *Who is responsible for printing and providing SFST training materials for class?*

The SFST Course is primarily offered in the basic law enforcement academy. The material reproduction is the responsibility of the Kansas Highway Patrol or Kansas Law Enforcement Training Center.

4. *Does your State require periodic updates or re-certification?*

The Standards adopted by the Kansas Highway Patrol establish the requirement for biannual update training for practitioners and instructors. Update training has not been provided consistently throughout the State and accomplished periodically on an agency level.

The Kansas Law Enforcement Training Center has ten training dates for update training established for 2006, three of which will be in locations throughout the State.

5. *Does the Bureau of Traffic Safety require SFST trained officers to work their alcohol enforcement contracts?*

Yes, each officer working on any traffic safety grants is required to be SFST trained.

6. *Does your State Police Officer Standards of Training Counsel (POST) certify the SFST curriculum?*

Yes, all records of successful completion are forwarded to the Kansas Law Enforcement Training Center where the training is reflected in the officer's permanent records.

7. *What is the number of hours of SFST training in your State?*

The training offered in Kansas ranges from 16 to 24 hours. This is acceptable, but in some cases the drug module included in the curriculum is omitted.

8. *How is the SFST curriculum offered in your State?*

The SFST is currently being offered in the Basic Police Academy. It is also offered as in-service training s on a limited basis, however that is expanding.

9. *Does your POST maintain records of the number of law enforcement officers trained in SFST and SFST Instructors?*

No. Records of successful completion of the training are maintained, however additional searching would be required to establish total numbers.

10. *How many SFST Practitioners and Instructors are there in your State?*

The exact numbers are unknown.

11. *Who is responsible for maintaining a current list of SFST Practitioners and SFST Instructors?*

The responsibility of maintaining a list of SFST Practitioners does not exist, nor is the task assigned to any one entity.

12. *Are you aware of the NHTSA supported SFST National Resource Web-site?*

The SFST and DRE coordinators and the Kansas Law Enforcement Training Center were aware of this resource and utilize it, however several others were not aware it existed.

13. *Do prosecutors and defense attorneys participate in SFST law enforcement training?*

Prosecutors and defense attorneys are not included in the SFST training.

Date: March 14-15, 2006

State: Kansas

Assessment Location: Department of Transportation
Bureau of Traffic Safety
700 S.W. Harrison
Topeka, KS

Assessor (s): Robert Hohn, National Highway Traffic Safety Administration
Bruce Stanford, Georgia Public Safety Training Center

Program Administration Assessment Results

Program Overview

The SFST program is administered by the Kansas Department of Transportation, Bureau of Traffic Safety. The State of Kansas currently provides the Kansas Highway Patrol with a \$249,268.00 grant to provide a variety of services, including:

- Full-time SFST Coordinator
- Part-time DRE Coordinator
- Administrative assistant
- Overtime for instructors related to SFST and DRE training
- Overtime for "Check Lanes"
- 12 SFST Classes
- 12 Drugs That Impair Classes
- 12 Drugs in the Academic Environment classes

In addition, the Bureau of Traffic Safety funds the Impaired Driving Deterrence Program (IDDP), which provides overtime funding to 30 law enforcement agencies throughout the State to conduct "Check Lanes" and Saturation Patrols throughout the year. These enforcement activities are supported by the Kansas Highway Patrol, Breath Alcohol Unit Bat Van. Kansas has effectively implemented what appears to be a sustained impaired driving enforcement effort through the use of the IDDP and multi-agency enforcement operations. They also participate in Operation Impact, which is an across the border impaired driving enforcement activity with Missouri law enforcement agencies. The Bureau of Traffic Safety is to be commended for these efforts and encouraged to continue the Statewide enforcement activities.

The SFST Coordinator is tasked with coordinating the SFST training activities throughout the State. The Coordinator is also responsible for the Breath Alcohol Unit, which provides training and

maintenance support for breath testing units within the Kansas Highway Patrol. There was considerable discussion regarding the lack of effective Statewide coordination. Based on information provided from several sources, it was very apparent there were two distinct SFST programs in existence within the State. One program is located within the Kansas Highway Patrol Breath Alcohol Unit and the other is located within the Kansas Law Enforcement Training Center. Both programs maintain an SFST instructor staff and also utilize SFST instructors from law enforcement agencies throughout the State; however it is rare that instructors will teach for both programs. The communication between the two programs is limited at best, which creates a duplication of effort and a lack of statewide standardization in the use of training materials. The need for effective communication and coordination also applies to the SFST and DRE Coordinators.

Recommendations

The following are recommendations on how to improve the administration of the SFST program at the State level. They reflect the optimal infrastructure, administration, and application; however, they may be flexible depending upon the needs of the law enforcement agencies and Traffic Safety Office.

1. Expand the current contract language to reflect the following components:
 - a. Track the number of SFST trained officers.
 - b. Track the number of SFST trained instructors.
 - c. Schedule of SFST classes conducted statewide.
 - d. Schedule and deliver SFST updates and refresher training throughout the contract year.
2. Develop an infrastructure conducive to state wide communication regarding SFST application in the field.
3. Maintain strict oversight in the Traffic Safety Bureau to ensure total compliance with the SFST program guidelines by the SFST coordinator. Limit the activities of the SFST coordinator to managing and coordinating the SFST program Statewide.
4. **Assemble an advisory panel to oversee the Statewide SFST program. Among other duties, the advisory panel will review current State standards and make recommendations for changes as necessary.**
5. **Define the duties of the SFST Coordinator to include management of all SFST training activities Statewide. The SFST coordinator shall maintain an open line of communication with all SFST Instructors, law enforcement agencies, and training academies throughout the State.**
6. Involve the State Association of Chiefs of Police, State Sheriff's Association, and Kansas Peace Officers Association in the implementation and application of the SFST program Statewide. Include them in the communication involving scheduled SFST training dates, SFST refresher courses, and scientific technical updates to the program curriculum.
7. If possible, the SFST and DRE programs should be coordinated by the same person to ensure continuity between the two programs.

8. Maintain or improve the mechanism for disseminating updated SFST information from NHTSA to SFST instructors. Develop an effective mechanism for disseminating updated SFST information to practitioners.

Program Operational Assessment Results

Program Overview

The SFST program is offered through the Kansas Highway Patrol (KHP) as part of recruit training and as in-service training upon request from local agencies. It is also offered through Kansas Law Enforcement Training Center (KLETC) and its satellite academies as a part of basic recruit training and in-service training. Courses vary from 16 to 24 hours in length depending on the offering agency.

The State SFST coordinator is located within the Breath Alcohol Unit of the Kansas Highway Patrol. SFST Material is disseminated by the SFST coordinator to the SFST Instructors with the exception of KLETC Instructors who receive their materials from KLETC staff. When new training materials or procedures are made available by NHTSA/IACP, the SFST coordinator contacts the SFST Instructors to provide the updated training. Additionally, SFST Instructors are required to complete 8 hours of in service training every two years according to KHP Standard 2.1. The standards in place also mandate updates or in-service for SFST practitioners, however this is governed on an agency level. As the updates are disseminated, in some agencies they are given to practitioners in hand-out form, but do not always accompany in-service training within a formal setting in all locations. When Officers successfully complete SFST training, documentation of completion is sent to KLETC, where the training is recorded on the officer's records.

KLETC receives SFST training material from both NHTSA and The International Association of Directors of Law Enforcement Standards and Training. KLETC has also developed its own SFST Training Standards, which are similar to those contained in the Administrator's Guide of the SFST Instructor Manual and those of the Kansas Highway Patrol.

For liability reasons KLETC chooses to use the dry lab videos instead of wet lab workshops. This method is outlined in the NHTSA/IACP SFST Instructor Manual Administrator's Guide. The curriculum modules and schedule provided by KLETC was similar to the example provided in the Administrator's Guide of the Instructor Manual.

A copy of the class schedule provided by the KHP SFST Coordinator indicated the modules were not being instructed in the order and time recommended in the Administrator's Guide of the NHTSA/IACP curriculum package. This brings into question the issue of standardization of instruction across the State. This does not imply that the ability of the students to perform SFSTs properly has been compromised; however it reflects a need for statewide standardization. The use of two different schedules could potentially result in adverse court rulings or negative case law.

Kansas has developed standards which largely shadow and strengthen those set forth in the Administrator's Guide of the SFST Instructor Manual and is to be commended for this attention to detail and excellence.

It is clear that Kansas Law Enforcement Officers, Instructors, and Traffic Safety Leaders are passionate about DUI enforcement and training. The systems in place, with a few modifications, can lead to a strong and comprehensive program.

Recommendations

The following recommendations are intended to improve the operation and application of the SFST Program at the State level. The recommendations reflect the optimal operation and application; however they are flexible to meet the needs of law enforcement agencies and the Bureau of Traffic Safety.

1. The NHTSA/IACP SFST curriculum should be followed and delivered in the same manner across the entire State, regardless of who may be delivering the training. Any existing curricula that have not been updated should be discarded and their use discontinued. Additional training materials may be requested through the NHTSA Central Region office.
2. Develop and maintain an open line of communication between the State SFST Coordinator and all Kansas instructors, allowing access to all training delivered, materials used, and other pertinent information, whereby consistency in Kansas' SFST training can be maintained.
3. Merge the SFST Standards of KHP and KLETC and distribute copies to all active SFST Instructors.
4. **Develop and implement an SFST course schedule consistent with the contents contained in the Administrator's Guide of the SFST Curriculum to maintain statewide standardization.**
5. Require an in-service update/refresher every two years for SFST practitioners and SFST instructors. This update should include a proficiency examination.
6. Continue to use the National Sobriety Testing Resource Center web site (www.sobrietytesting.org) to gain access to current information.

Program Prosecution and Adjudication Assessment Results

Program Overview

Courts in Kansas currently do not accept Horizontal Gaze Nystagmus (HGN) as evidence of impairment in DUI cases. This is a result of the State v. Witte (836 P.2d 1110, 251 Kan.313) court decision handed down by the Kansas Supreme Court reversing a conviction of DUI, holding that Horizontal Gaze Nystagmus results are scientific evidence, hence the foundation for admission of results requires meeting the criteria of the Frye test. The Court also found that admission of the evidence was not harmless error, where the remaining evidence made it a close question, including a BAT of .103. The Court also declined to take judicial notice of other states that have determined that HGN met the Frye criteria.

Some of the more common issues observed by the prosecutors and judge in the court room regarding officer testimony and preparation are:

- Improper “scoring” of validated tests in testimony
- Inconsistent instructions and demonstrations
- Inadequate documentation and report writing
- Not administering tests as trained

The prosecutors and judge contacted during the assessment indicated SFST training was limited and many prosecutors and judges learn about the SFSTs during court proceedings or on their own. Two statewide training sessions sponsored by the Bureau of Traffic Safety, are scheduled for prosecutors during the next year. Topics on the agenda will cover a variety of issues, such as SFST, DRE, breath testing, road checks, preliminary breath tests (PBT), etc. Prosecutors are rarely invited to attend SFST training classes for law enforcement officers.

The Bureau of Traffic Safety had previously sponsored statewide judicial education conferences, however the practice was discontinued due to an ethical complaint filed by a judge citing the lack of involvement by the defense bar. BTS is now partnering with the Administrative Office of the Courts to eliminate potential ethical issues and reinstate judicial education in traffic safety. This will include information on SFST, DRE and other traffic safety issues which may appear before the court. BTS is providing financial support through the Administrative Office of the Courts and are participating in the conference.

Recommendations

The following recommendations should be considered by the Bureau of Traffic Safety to assist in the efforts of removing drug and alcohol impaired drivers from the highways.

1. Include prosecutors in SFST and DRE Training to better enable them to understand and apply the technologies of detecting drug and alcohol-impaired drivers in courts.
2. Promote the concept of pre-trial meetings to better prepare the law enforcement officer and legal team for cases.

3. Provide needed resources to prosecutors to use before, during, and after trials. These resources include the following:
 - Technical and professional assistance
 - Additional experienced prosecutors
 - Pre-trial meetings between prosecutors and law enforcement
 - List serve to facilitate information exchange among prosecutors
4. **Facilitate and support the hiring of a Traffic Safety Resource Prosecutor to be utilized as a resource for less experienced prosecutors throughout the State regarding impaired driving issues.**
5. **Coordinate with the District Attorney's Association to recommend a prosecutor to assist in identifying a solid DWI case where the law enforcement officer utilized the SFSTs correctly to conduct a FRYE hearing, which is the legal means to gain court acceptance of HGN in the Kansas courts.**
6. Provide training for prosecutors in the effective prosecution of alcohol and drug impaired drivers. These courses include the following:
 - Prosecuting the Drugged Driver
 - Standardized Field Sobriety Testing Practitioner course
 - DRE Pre-School
7. Provide judicial education through coordination with the Office of Judicial Administration.

Appendices

Appendix A – Participants

Sgt. Don O'Dell
Topeka Police Dept.
320 S. Kansas
Topeka, KS 66603
785-368-9551
dodell@topeka.org

Karen Wittman
Shawnee County Prosecutor
785-233-8200
Karen.wittman@co.shawnee.ks.us

Deputy Steve Olson
Sedgwick County Sheriff
141 W. Elm
Wichita, KS 67203
316-650-4677

Lt. Dave Weed
Kansas Highway Patrol
2025 E. Iron
Salina, KS 67401
785-822-1777
dweed@mail.khp.state.ks.us

Jeff Collier
2331 Jewell Road
Ft. Scott, KS 66701
785-577-5373 (cell)
jcollier@classicnet.net

Judge Karen Arnold-Burger
Overland Park Municipal Court
12400 Foster
Overland Park, KS 66213

Under Sheriff Kevin Cavanaugh
Johnson County Sheriffs Office
President: Kansas Peace Officers Assoc.

Sgt Tom Hogard
9617 Lee Blvd.
Leawood, KS 66206
913-642-5555
tomh@leawood.org

Master Deputy Bob Hamilton
Johnson County Sheriffs Office
27747 W. 159th St.
New Century, KS 66031
913-791-5432
robert.hamilton@jocogov.org

Ted Griffith
Prosecutor City of Wichita
455 N. Main
2nd Floor
Wichita, KS 67202
316-268-4569
Griffith@wichita.gov

Alvin Sowers
Kansas Law Enforcement Training Center
11009 South Hornet Road
Hutchinson, KS 67504
620-694-1400
asowers@kletc.org

Randall Bolin
NHTSA Central Region
Regional Program Manager
901 Locust Street, Room 466
Kansas City, MO. 64106
Phone: (816) 329-3900
randy.bolin@dot.gov

Appendix B - National Impaired Driving Resources

International Association of Chiefs of Police (IACP)
515 N. Washington Street
Alexandria, VA. 22314
703-836-6767

Carolyn Cockroft
DRE/SFTS Program Manager
515 N. Washington Street
Alexandria, Virginia 22314
Phone: (703) 836-6767 x206
ccockroft@theiacp.org

Chuck Hayes
DRE/SFST Western Regional
Coordinator
515 N. Washington Street
Alexandria, Virginia 22314
Phone: (503) 585-0055
chayesiACP@msn.com

Ernie Floegel
DRE/SFST Eastern Regional
Coordinator
515 N. Washington Street
Alexandria, Virginia 22314
Phone: (845) 226-8058
iacpdre@frontiernet.net

National Highway Traffic Safety Administration (NHTSA)
400 7th Street, S.W.
Washington, DC. 20590
202-366-9835

Dean Kuznieski
Highway Safety Specialist
NHTSA / NTI-122
400 7th Street, S.W.
Washington, DC. 20590
Phone: (202) 366-9835
dean.kuznieski@dot.gov

Robert Hohn
Highway Safety Specialist
NHTSA / NTI-111
400 7th Street, S.W.
Washington, DC. 20590
Phone: (202) 366-9712
bob.hohn@dot.gov

Brian Chodrow
Highway Safety Specialist
NHTSA/NTI-122
400 7th Street, S.W.
Washington, DC. 20590
Phone: (202) 366-9765
brian.chodrow@dot.gov

Appendix C - Assessment Team Biographies

Bob Hohn

Mr. Hohn currently works for the U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA), where he is a Senior Highway Safety Specialist assigned to the Impaired Driving Division. In this capacity, Bob develops and manages impaired driving programs for law enforcement agencies and other highway safety partners with a focus on reducing the number of impaired driving related fatality crashes. Bob also works on special projects involving motorcycles and impaired riding.

Prior to joining NHTSA, Bob retired from the Arizona Highway Patrol after 21 years of honorable service. During his career with the Highway Patrol, he primarily focused on removing the impaired driver from the roadways. In addition, he was heavily involved in training officers, both in Arizona and throughout the country, in the administration of Standardized Field Sobriety Tests (SFST) and the Drug Evaluation and Classification program. Bob was the arresting officer in the State v. Blake (Arizona Supreme Court) case, which provided the foundation for Horizontal Gaze Nystagmus being recognized as a valid field sobriety test in court. Bob has been recognized and testified as an expert witness in both SFST and DRE cases throughout the country.

Mr. Hohn is also retired from the U.S. Air Force Reserve with a total of twenty-three years honorable military service. He was assigned to the Security Forces where he trained Air Force Security Forces personnel in the administration of the SFST's, breath testing, and general law enforcement procedures.

Bruce D. Stanford

Bruce Stanford currently serves as an SFST/DRE Instructor and the Georgia DRE Coordinator at the Georgia Police Academy. His duties there consist of training Law Enforcement Officers in DUI Detection and administration of Standardized Field Sobriety Tests, DUI Report writing, DUI Case Preparation and Presentation, Drugs that Impair Driving, and Drug Recognition Expert. Stanford has trained over 3000 officers to date. In doing so, he has managed over 160 alcohol workshops, dosing over 775 drinkers in BACs ranging from .01 to .15 grams/ml. Stanford has trained and certified over 80 DREs.

Bruce also serves as coordinator of the Central Region Traffic Enforcement Network under the Governor's Office of Highway Safety. While under his leadership, the network has conducted multi-jurisdictional safety checkpoints almost every month of the year for the past 4 years. The network's reporting during Operation Zero Tolerance and Sustained Enforcement periods earned them a fully equipped breath alcohol testing (BAT) trailer from GOHS. Additionally Bruce serves on NHTSA's Regional Alcohol Support Team and SFST Training Assessment Team. Most recently he was the co-lead in March of 2006 performing an assessment of Kansas' SFST programs.

Prior to his employment at the Georgia Police Academy, he served 15 years with the Jones County Sheriff's Department. Stanford's last assignment was as a Senior Lieutenant over the Patrol Division and supervisor of the Strategic Traffic Accident Reduction Team. He was Lead Fatality Investigator for his department from 1995 until 2001, having reconstructed more than 150 fatalities. During his tenure with the Department, Stanford was also assigned to the Sheriff's Emergency Response Team, the Tactical Team and the Sheriff's Dive Team.

Stanford formed the Strategic Traffic Accident Reduction Team in January 1999. This Team used accident data coupled with strong DUI and speed enforcement to reduce the fatality rate by more than 70% in a 24 month period. This success rate led to Stanford's desire to train others in successful DUI apprehension and prosecution.

Appendix D - SFST Administrators Guide

SFST Administrators Guide

The Administrator's Guide provides an introduction and overview of the DWI Detection and Standardized Field Sobriety Testing (SFST) Training Program. The acronym "DWI" means driving while impaired and is synonymous with the acronym "DUI", driving under the influence." These terms refer to any and all offenses involving the operation of vehicles by persons under the influence of alcohol and/or other drugs. However, the focus of this curriculum is on the alcohol-impaired driver.

The procedures outlined in this manual describe how the standardized field sobriety tests (SFSTs) are to be administered under ideal conditions. We recognize that the SFSTs will not always be administered under ideal conditions in the field, because such conditions will not always exist. Even when administered under less than ideal conditions, they will serve as useful indicators of impairment. Slight variations from the ideal, i.e., the inability to find a perfectly smooth surface at roadside, may have some affect on the evidentiary weight given to the results. However, this does not necessarily make the SFSTs invalid.

Enforcement of alcohol impaired driving is a complex and demanding law enforcement responsibility sufficient to warrant a separate curriculum. This is not to deny or minimize the importance of detecting and arresting drivers impaired by drugs other than alcohol. Indeed, other materials (as referenced in this document) are available from the National Highway Traffic Safety Administration (NHTSA) to improve police officers' skills in detecting and apprehending drug impaired drivers.

In this regard NHTSA has developed two modules that address drug impaired driving:

- **"Introduction to Drugs That Impair"** a four-hour overview of drugs other than alcohol that impair.
- **"Drugs That Impair Driving"** an eight-hour module that provides officers with information on the general observable signs of drug impaired drivers. This module was developed to increase officer awareness of signs of drug impairment and the need to make referrals to Drug Recognition Experts.

Either module is an excellent add-on or follow-up to the DWI Detection and Standardized Field Sobriety Testing training program. Both are highly recommended. **HOWEVER, NEITHER WILL QUALIFY AN OFFICER TO SERVE AS A DRUG RECOGNITION EXPERT (DRE).**

All of the aforementioned impaired driving courses have been approved by the International Association of Chiefs of Police (IACP). National standards have been established by IACP to ensure consistency in the content, delivery, and application of the SFST and drug impaired training. The SFST standards are provided in this

Administrator's Guide (see Appendix B).

For more information regarding these impaired driver detection programs, contact your State Office of Highway Safety or your NHTSA Regional Training Coordinator.

General Administrative Requirements

1. Facility Requirements

The presentation/demonstration sessions of the DWI Detection and Standardized Field Sobriety Testing course require a classroom with ample table/desk space for each student; an overhead projector and screen; a video tape player and one or more monitors easily visible to all students; and, a chalkboard and/or flip-chart. The classroom must have sufficient open space to permit realistic and clearly visible demonstrations of the standardized field sobriety tests. If possible, the students' tables/desks should be arranged in a U-shaped format, so that the instructors can conduct their demonstration in the open space in the center.

The hands-on practice sessions and the proficiency examinations require additional space consisting of a large open area (free of any obstructions such as tables, chairs, etc.) in which teams of students can work without interfering with each other. It must be possible to mark straight lines 12 to 15 feet long on the floor to facilitate practicing the Walk-and-Turn test (i.e., strips of easily removable tape). If weather permits, these practice sessions can be held outdoors to enhance realism.

The live "Testing Subjects" Practice Sessions (XI and XIV) require a separate room for the volunteer drinkers and use of one or more accurate breath testing instruments devices for monitoring their blood alcohol concentrations (BACs).

2. Instructor Qualifications

SFST instructors MUST have successfully completed the NHTSA/IACP approved Standardized Field Sobriety Testing (SFST) training program or its equivalent, and have experience in administering the SFSTs as well as providing testimony in court in the area of DUI/DWI enforcement. Dedicated, qualified instructors are critical to the continued success of the SFST program.

SFST instructors are responsible for observing, evaluating and verifying the performance of SFST candidates throughout the training process. Therefore, only persons experienced in the administration of the SFST battery should become instructors in the SFST training program.

If additional instructors are needed, at least one should be experienced in conducting an alcohol workshop. A ratio of at least one instructor for every 6 students is recommended. Their responsibilities include coaching students during the various hands-on practice sessions, and conducting the proficiency

examinations during Session XV. All instructors must be fully proficient in administering the standardized field sobriety tests. It also may be beneficial to recruit an experienced DWI prosecutor to assist in conducting certain segments in Session III, The Legal Environment, Session XII, Processing the Arrested Subject and Preparing for Trial, and Session XIII, Report Writing Exercise and Moot Court.

It is preferred that instructors for the **four-hour** "Introduction to Drugs That Impair" module be Drug Recognition Experts. The instructors for the **eight-hour** module "Drugs That Impair Driving" must be DRE instructors or SFST instructors who are certified DREs.

3. Class Size Considerations

This course is a highly participative learning experience. Students need to have ample opportunities to practice applying the skills they are trying to learn; (i.e., observing, testifying, reporting and administration of the standardized field sobriety tests). Students need substantial individual attention during practice sessions.

The recommended maximum class size is 24 students. An ideal range would be 15-21.

4. Guidelines for Controlled Drinking Practice Sessions

The SFST core curriculum requires the participation of volunteers who will consume carefully measured quantities of alcohol and submit to standardized field sobriety tests administered by the students. Drinking volunteers are an essential resource for the core curriculum. Therefore, careful steps must be taken to ensure the volunteers' safety as well as their contribution to a worthwhile learning experience.

NOTE: WEAPONS ARE NOT PERMITTED IN THE VICINITY OF ANY DRINKING VOLUNTEER.

Criteria to be considered when selecting volunteer drinkers:

- They cannot be members of the class.
- **THEY SHOULD NOT BE LAW ENFORCEMENT OFFICERS.**
- They must be verified to be at least 21 years old, but not over 65 years old.
- They cannot have any history of alcoholism.
- They cannot be known to suffer from any medical condition that may be

exacerbated by alcohol (such as hypertension or diabetes).

- They cannot be taking any medication (prescription or otherwise) that might adversely interact with alcohol.
- They should be in good physical health.

Managing the Volunteer Drinkers

Transportation must be provided for the volunteers to and from the training session. Under no circumstances may volunteers be permitted to drive from the training session, regardless of their blood alcohol concentration (BAC) at the time of departure. Volunteers should be released only into the custody of responsible, sober persons.

It is suggested that there be a minimum of one drinking volunteer for every three to five students.

From the time of their arrival until safely disposed of, volunteers must be kept under constant supervision. It is suggested that at least one monitor be present for every four volunteers. Volunteer must be paired with a monitor of the same sex. The aides must monitor the volunteers, serve their drinks, make sure they comply with the schedule, and kept under close observation.

THE EFFECTIVENESS OF THE VOLUNTEERS AS TRAINING RESOURCES DEPENDS ON THEIR BLOOD ALCOHOL CONCENTRATIONS. IDEALLY, VOLUNTEERS AT ANY SESSION SHOULD ACHIEVE PEAK BACS BETWEEN 0.06 AND 0.14.

Volunteers should be instructed to refrain from eating two hours prior to their arrival at the training facility. Food in their stomachs may affect the absorption of alcohol into their bloodstreams, and impede your ability to control their BACs.

Volunteers should be brought to the training facility a minimum of three hours before the practice session is scheduled to begin. Each volunteer should be breath tested, have their pulse, blood pressure, and HGN checked and recorded.

NOTE: Additional time may be needed for administrative procedures.

STANDARDS FOR THE STANDARDIZED FIELD SOBRIETY TESTING (SFST) PROGRAM

Executive Summary

Since the mid-1970s, the National Highway Traffic Safety Administration (NHTSA), with the cooperation and assistance of the law enforcement community, has conducted research that resulted in the development of a battery of three standardized field sobriety tests (horizontal gaze Nystagmus, walk-and-turn, and the one leg stand) to assist police officers in detecting impaired drivers. The program, which was previously termed Improved Sobriety Testing, was initially developed by the Los Angeles Police Department and was validated in laboratory and field studies conducted by the Southern California Research Institute. Training in how to conduct the tests is included in the NHTSA course DWI Detection and Standardized Field Sobriety Testing.

In 1986, the Advisory Committee on Highway Safety of the International Association of Chiefs of Police (IACP) passed a resolution which recommended that law enforcement agencies adopt and implement the field sobriety testing training program developed by NHTSA. As the program has grown, it has become apparent that in order to insure continued success, nationally accepted standards must be established. These standards, which establish criteria for the selection and training of SFST practitioners, would help insure the continued high level of success of the SFST program. In 1992, the IACP Highway Safety Committee recommended the development of this system of nationally accepted standards.

In April of 1992, the IACP and NHTSA sponsored a meeting at the headquarters of IACP in Arlington, Virginia. Persons invited to this meeting included senior SFST instructors from several states, curriculum specialists, and training administrators. The participants met in working groups to reach a consensus concerning the many issues relating to the SFST program and to develop recommended minimum standards to the IACP Advisory Committee on Highway Safety. The standards were drafted and presented to the committee for their review at the midyear meeting in June 1992.

The Advisory Committee on Highway Safety, by resolution, adopted the national standards for the SFST Program. The standards were subsequently approved by voting membership of the IACP.

Presented in this document are standards specifying the requirement for selection and training of SFST practitioners and SFST instructors.

I. STANDARDS FOR TRAINING IN STANDARDIZED FIELD SOBRIETY TESTING

Standards in this section specify the criteria which must be met prior to an individual's completion in the Standardized Field Sobriety Testing (SFST) Program. These criteria outline the knowledge and skills required to be considered for training, as well as the knowledge required for completion of the program.

The current approved curriculum involves a three-day training program. Prior to beginning the training program, students should have an interest in traffic law enforcement with an emphasis on DUI/DWI. During this training, students are taught to administer and interpret the results of the SFST battery, including horizontal gaze Nystagmus (HGN), walk-and-turn and the one-leg-stand.

Upon completion of this classroom training, the student must pass a comprehensive written examination and successfully complete a proficiency examination witnessed by an SFST instructor.

1.1 In order to be considered for training in the SFST, a person shall be employed and under the direct control of a public criminal justice agency or institution involved in providing training services to law enforcement agencies.

Commentary: At the discretion of the agency head or administrator, and with consent of the training authority, other persons may audit or observe any or all portions of the SFST training.

1.2 SFST students shall complete an approved classroom training course which shall, at a minimum, achieve the learning objectives as stated in the IACP-approved training curriculum.

Commentary: This curriculum normally takes about 24 hours to teach. To be recognized by IACP, regardless of hours, the student must have met all of the listed learning goals and performance objectives included in each of the 16 sessions.

Because of the differences in the type and level of training for officers in the detection of impaired substances, agencies should determine the most effective means of providing classroom training in SFST. However, in order to maintain the credibility and integrity of the program, agencies that use a training program other than that currently approved by the IACP must have the alternative curriculum approved by the IACP Advisory Committee on Highway Safety as meeting the required learning objectives. In addition, the IACP Drug Evaluation and Classification Program Technical Advisory Panel, an advisory arm of the Advisory Committee on Highway Safety, will be responsible for providing periodic updates and modifications to the IACP-approved training curriculum. Presently, the core SFST training course is 24 hours in length and includes at least two controlled drinking sessions utilizing volunteer drinkers, (i.e., "live alcohol workshops").

Acceptable options to the “live” workshops involving the use of videotapes have been approved. The acceptable alternatives are (1) to substitute NHTSA/IACP approved videotapes of “dosed” subjects for the first alcohol workshop, but to conduct the second alcohol workshop “live”; or (2) to substitute NHTSA/IACP approved videotapes of “dosed” subjects for both alcohol workshops.

It is critical to note that the purpose of this training is to ensure that students become proficient in administering and interpreting standardized field sobriety tests. NHTSA and IACP recognize the limitations some agencies have in conducting live alcohol workshops. If either option is selected, each student must maintain a log of each SFST administered.

1.3 All SFST candidates shall attend and complete all classroom portions of an approved SFST curriculum. This shall include satisfactorily completing all assignments and required examinations. Students shall not be permitted to “test out” of portions of the training nor shall they be permitted to attend only those classes that they have not previously completed.

Commentary: Class sessions missed should be made up at the earliest possible time.

1.4 In order to satisfactorily complete the classroom portion of the training, SFST candidates must complete the IACP-approved final examination with a score of not less than eighty percent (80%). Candidates scoring less than 80% on the final may be retested one time under the supervision of an SFST instructor. The retest shall be completed not less than 15 nor more than 30 days following the completion of the classroom training.

Commentary: The examination used to retest the candidate shall be an IACP-approved examination and shall not have been administered to the candidate previously. If the candidate does not achieve a passing score on reexamination, the candidate must retake the classroom portion of the training and pass the final examination.

1.5 Upon completion of training, the candidate must demonstrate the ability to administer the SFSTs in the approved sequence and appropriately document and interpret the results.

Commentary: One of the primary factors in the success of the SFST program has been the emphasis upon a standardized approach. The training stresses the importance of a systematic, structured administration of the SFSTs. This includes completing all portions of the field sobriety tests in the appropriate sequence.

II. STANDARDS FOR TRAINING AS INSTRUCTORS IN THE STANDARDIZED FIELD SOBRIETY TESTING PROGRAM

These instructors will have successfully completed the IACP-approved Standardized Field

Sobriety Testing (SFST) training program or its equivalent, and will have experience in administering the SFSTs and in proving testimony in court in the area of DUI/DWI enforcement. Dedicated, qualified instructors are critical to the continued success of the SFST program.

SFST instructors are responsible for observing, evaluating and verifying their performance of SFST candidates throughout the training process. Therefore, only persons experienced in the administration of the SFST battery should become instructors in the SFST training program.

Also addressed in this section are standards for instructors/trainers in the program. These individuals are responsible for training the SFST instructors.

2.1 Only persons who have successfully completed the IACP-approved DUI Detection and Standardized Field Sobriety Testing training program, or its equivalent, may be designated as SFST instructors.

2.2 Any SFST trained person desiring to become an instructor in the SFST Program shall make a written application through and be recommended by their agencies as meeting all requirements to become instructors.

Commentary: The agency head or SFST coordinator shall verify that a candidate instructor meets the prerequisites to enter SFST instructor training. Prerequisites may also include any state, local or agency requirements specified for instructors within the jurisdiction.

2.3 The candidate instructor shall satisfactorily complete the IACP-approved SFST Instructor School, or an approved equivalent, which shall include both knowledge and practical examination of candidate instructors. IACP/NHTSA - certified DRE instructors are recognized as SFST instructors and are approved to instruct the SFST program.

Commentary: This requirement does not preclude state or local jurisdictions from placing additional requirements on persons assigned to teach in local law enforcement programs.

The IACP Highway Safety Committee shall be responsible for reviewing and evaluating alternative training programs submitted by agencies. Those programs meeting or exceeding the approved learning objectives for instructor training shall be deemed "equivalent".

2.4 All training sessions conducted as part of the SFST Program shall be coordinated by a designated SFST instructor who has previously instructed, to insure proper conduct and delivery of the approved curriculum.

Commentary: To ensure that all training classes are conducted in accordance with the standards, it is recommended that the instructor coordinating the training have a minimum of one-year experience as a SFST instructor.

2.5 An instructor trainer (a person who is training instructors) shall have demonstrated proficiency as an instructor.

2.6 An instructor trainer must be knowledgeable of and have audited the SFST School and the SFST Instructor School, and must be thoroughly familiar with the SFST student and instructor manuals.

Commentary: An instructor must demonstrate evidence of the satisfactory completion of the IACP/NHTSA-approved Instructor Development Course or equivalent. Instructor trainers must be familiar with the approved SFST Training Program and be thoroughly familiar with the lesson plans for their assigned blocks of instruction.

III. SFST REFRESHER TRAINING

Commentary: To assist agencies administer refresher training; a CD Rom refresher course has been developed by NHTSA and is available to interested agencies.

Appendix E - Proficiency Examination

STUDENT PROFICIENCY EXAMINATION STANDARDIZED FIELD SOBRIETY TEST BATTERY

Student Name: _____ Date: _____

I. HORIZONTAL GAZE NYSTAGMUS

- _____ 1. Remove Eye Glasses
- * _____ 2. Stimulus held in proper position (approximately 12"-15" from nose, just above eye level)
- _____ 3. Check pupil size and look for 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 Nystagmus.

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 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 your raised foot parallel to the ground, and gives demonstration.

*_____ 5. Tells subject to keep both legs straight and to look at the elevated foot.

*_____ 6. Tells subject to count in the following manner: One thousand one, one thousand two, one thousand three, until told to stop, and gives demonstration.

_____ 7. Checks actual time subject holds leg up. (Timed for 30 seconds)

Instructor:
