

Standardized Field Sobriety Tests (SFST) were developed by the National Highway Transportation Safety Administration (NHTSA) in order to assist the officer in determining probable cause to arrest a driver for DUI (or in Michigan, OWI-Operating While Intoxicated) and to support giving the driver a preliminary breath test (PBT). There are an abundance of field sobriety tests that can be administered, like counting backwards, reciting the alphabet, touch your nose, etc. Only three tests has been "standardized" by the NHTSA.

These standardized tests in no way measure the amount of alcohol in your system and are a failure designed test. That is they are designed to fail a person who takes them. Many people fail these tests when they have zero amount of alcohol in their system. In addition, whether you pass or fails is at the subjective discretion of the officer, who already believes you have been drinking. As such, you should always [refuse](#) to take these tests. These are the three standardized tests.

### **One Leg Stand**

This test has a very specific protocol for the officer to follow. It starts with you standing with both feet together, hands at your side. Then the officer will instruct you to raise one leg off the ground about 15cm and hold it there while counting (1001, 1002, 1003, etc) until the officer tells you to stop. According to the NHTSA, the officer must time you for 30 seconds.

The officer is looking for signs for failure like swaying, dropping your foot, hopping, and using your arms to balance. Try doing this on your own without drinking any alcohol and see how you do.

### **Walk and Turn**

The second test is the walk and turn and again has a specific protocol for the officer to follow. This tests start with the driver putting one foot on a line (real or imaginary), heel of that foot in front of the toe on the other foot. Arms are at your side. The officer will then instruct you to take 9 steps, heel to toe on this line, then turning on the line and walking 9 heel to toe steps back.

The officer is looking for more signs of you failing the test. Things like balance, starting too early, wrong number of steps, using arms for balance, not touching heel to toe, or stepping off the line.

### **Horizontal Gaze Nystagmus**

This test is the most difficult to administer and many officers get this test wrong. Nystagmus is simply an involuntary twitching of the eye. The test starts with you looking forward and the officer holding a pen in front of you. The officer will instruct you to look at the pen, and keeping your head straight, follow the pen with your eyes. The officer will move the pen (slowly) from side to side (45 degrees). The officer should have checked if you have equal pupil size and have asked you if you wear contact lenses.

The officer is looking for a "lack of smooth pursuit" or a jerking of the eyes on the first pass. With the second pass, the officer is looking for nystagmus at maximum deviation. This happens when your eye is looking all the way to your shoulder and no white is visible on the outside of the eye. This takes two full passes.

Next, the officer is looking for the onset of nystagmus prior to 45 degrees, meaning a jerking of the eye before your eye is looking 45 degrees from the starting point. This will take two pull passes.

Finally, the officer is looking for vertical nystagmus. This is simply moving your eyes vertical and is done once, for about four seconds.

This is the most technical test of the three and many officers get this test wrong. In fact, if this test is done incorrectly it can cause the very nystagmus the officer is looking for. That's why it is a failure designed test.

The Standardized Field Sobriety Tests (SFST) is the first in a line of tests the officer uses to determine your level of intoxication. It is also the first line of tests we can attack. These tests are extremely unreliable and are based on the subjective observation of the officer, who already believes you are over the limit. It is important to contact your [Metro-Detroit Criminal Lawyer](#) immediately after you are arrested so we can get the in-car video from the police to see how the tests were conducted. Call me at (586) 439-4297 (Macomb County) or (248) 581-0598 (Oakland County) for your free

consultation. Remember, we need to preserve this evidence and many department recycles their videos after a short period of time. Call me right away because we need to move quickly.

Also, if you have a smartphone (iPhone or Android) you will want to check out [Emrginfo](#)'s new app. This app has all the info you need to protect yourself during a DUI stop, plus instant connect with your [Metro-Detroit Criminal Lawyer](#). Did I mention this app is free? Check it out.