

DWI Detection and Standardized Field Sobriety Testing





INFORMATION AND PENALTIES

SAFETY RESPONSIBILITY LAW

As required by R.S.32:896, anyone refusing to submit to a chemical test, or anyone convicted of driving while intoxicated must comply with the Safety Responsibility Law by filing proof of future financial responsibility for a period of 3 years.

The usual way of filing such proof is as follows:

An insurance company authorized to do business in Louisiana may furnish this agency with the Louisiana form SR-22, insurance certificate, by sending it to the address shown below. Only insurance companies have these forms. Liability insurance policies are not acceptable in lieu of the SR-22.

SEND CERTIFICATE TO:

LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
OFFICE OF MOTOR VEHICLES
P.O. BOX 64886
BATON ROUGE, LA 70896-4886

A person who does not own a vehicle may apply for a non-ownership policy which would cover him while operating any vehicle.
Alternate ways of furnishing proof of future financial responsibility are specified under Louisiana Revised Statutes 32:897.

REINSTATEMENT FEE

A reinstatement fee of \$50.00 will be required before your driving privileges may be reinstated. This fee will only be accepted after the suspension period has ended. This fee may be in the form of cash, cashier's check, certified check, credit/debit card, or money order made payable to the Office of Motor Vehicles.

IGNITION INTERLOCK REQUIREMENTS

An ignition interlock device shall be installed in any motor vehicle operated by any of the following persons whose driver's license has been suspended in connection with the following circumstances as a condition of the reinstatement of a driver's license:

- (a) Refusal to submit to a chemical test for intoxication for a second arrest for DWI or underage DWI and whose driver's license has been suspended.
- (b) Submission to a chemical test for intoxication where the results indicate a blood alcohol level of 0.08 percent or above and whose driver's license has been suspended for an arrest occurring within ten years of the first arrest.
- (c) Submission or refusal of the chemical test involving a crash which involves moderate bodily injury or serious bodily injury.
- (d) Submission or refusal of the chemical test and a minor child twelve years of age or younger was a passenger in the motor vehicle at the time of the offense.

Upon reinstatement, the ignition interlock device shall remain on the motor vehicle for at least six months or the length of the suspension period, whichever is longer. Credit for time will be given when the interlock device was installed and functioning as part of a restricted driver's license.

For more information regarding your driving privileges you can call the Louisiana Office of Motor Vehicles.

1-225-925-6146
www.expresslane.org

REQUEST FOR HEARING

Enclosed is a witness fee for each witness you are requesting to be subpoenaed. **MAKE THE CHECK OR MONEY ORDER PAYABLE TO EACH WITNESS.**

Print Name _____

Print Street Address _____

City, State & Zip _____

Print Name _____

Print Street Address _____

City, State & Zip _____

Print Name _____

Print Street Address _____

City, State & Zip _____

Print Name _____

Print Street Address _____

City, State & Zip _____

NOTE: DO NOT send your request for a hearing directly to the Division of Administrative Law. Your request may be delayed and untimely.

REQUEST FOR HEARING

This form is only to be completed to REQUEST AN ADMINISTRATIVE HEARING. For information regarding obtaining a hardship license or more information regarding a request for a hearing call the Office of Motor Vehicles:

1-225-925-6146

To request a hearing you must detach, complete and mail this form within thirty (30) days to:

Louisiana Department of Public Safety and Corrections Office of Motor Vehicles
P.O. Box 64886
Baton Rouge, LA 70896-4886

NOTE: If you wish to request a hearing to contest the suspension, this request must be postmarked or delivered to the Office of Motor Vehicles within thirty (30) calendar days from the date of arrest.

A hearing is not for the purpose of obtaining a hardship license.

REQUEST FOR HEARING

I, _____
(Please Print Legibly)
do hereby request an administrative hearing in connection with my arrest on day _____ month _____ year _____.

PERSONAL INFORMATION

Your Driver's License Number _____ Date of Birth _____
() _____
Area Code _____ Telephone Number _____

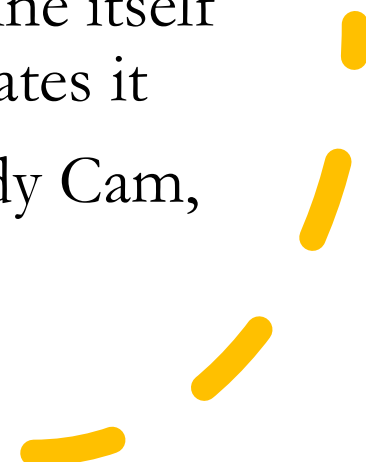
Current Mailing Address:

Address _____
City _____ State _____ Zip _____

Signature of person requesting hearing: _____

Note: R.S. 32:565 (A) states that no law enforcement officer shall be compelled by such person to appear or testify at such hearing.

Request/Subpoena
for ALJ Hearing

- Copies of all police reports
 - Any supplemental Reports
 - Crash or Accident Reports
 - All Witness Statements
 - All Standardized Field Sobriety Tests
 - All Intoxilyzer 5000/9000
Certificates for All Officers
 - Certification for the machine itself
and the person who calibrates it
 - Any videos or DVDs (Body Cam,
Dash Cam, Intox Room)
- 

Uniform DWI Arrest Citation

Agency: Laf PD
Agency File #: 20-11402
Case #: 20200113-0062155

INITIAL OBSERVATION:

LEVEL OF IMPAIRMENT
☐ EXTREME
☒ OBVIOUS
☐ SLIGHT

ODOR OF ALCOHOLIC BEVERAGE
☐ STRONG ☐ NONE
☒ MODERATE
☐ FAINT

BALANCE
☐ FALLING
☒ SWAYING
☐ UNSURE
☐ OTHER

SPEECH
☐ INCOHERENT
☐ STUTTERING
☒ SLURRED
☐ FAIR

INDICATION OF DRUG USE
☐ YES ☒ NO

Note: If drug use is suspected you should request the violator submit to a urine and a blood test in addition to an alcohol test.

OBSERVATIONS: GLASSY BLOODSHOT EYES

FIELD SOBRIETY RESULTS:

1. HORIZONTAL GAZE NYSTAGMUS

RIGHT EYE

☒ YES ☐ NO
☒ YES ☐ NO

LEFT EYE

☒ YES ☐ NO
☒ YES ☐ NO

LACK OF SMOOTH PURSUIT
DISTINCT AND SUSTAINED
NYSTAGMUS AT MAXIMUM
DEVIATION

☒ YES ☐ NO

☒ YES ☐ NO

NYSTAGMUS ONSET
PRIOR TO 45 DEGREES
VERTICAL NYSTAGMUS

☒ YES ☐ NO

☒ YES ☐ NO

OBSERVATIONS:

GLASSY BLOODSHOT EYES

2. WALK AND TURN TEST



Describe Turn Direction:
N/A

Cannot keep balance during instructions: N/A

Starts too soon: N/A

Stops While Walking

Misses Heel-Toe

Steps Off Line

Raises Arms

Actual Steps Taken

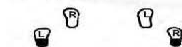
1st Nine	2nd Nine
N/A	N/A
N/A	N/A
N/A	N/A
N/A	N/A
N/A	N/A

Cannot Do Test (explain)

NO TEST-BACK INJURIES

3.

One Leg Stand:



L R

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

Type of Footwear

N/A

NO TEST-BACK INJURIES

Louisiana Department of Public Safety & Corrections
Louisiana State Police
Applied Technology Section

MAINTENANCE / CERTIFICATION INFORMATION

CERTIFICATION DATE	TIME	INSTRUMENT SERIAL #	
11/22/2019	08:27	90-001121	
TECHNICIAN'S NAME	TECHNICIAN'S PERMIT #	TECHNICIAN'S CERTIFICATION DATE	
GUITRAU, RAYMOND	00002	05/23/2013	
PARISH NUMBER	CITY	LOCATION	CERTIFICATION
28	LAFAYETTE	LAFAYETTE P.D.	Field
SIMULATOR STOCK SOLUTION CONTROL #	KNOWN STANDARD SIMULATOR #	KNOWN SIMULATOR VALUE	TOLERANCE +/- 0.010
R0107	DR5218	.100 g%	0.000 g%

This Certificate is prima facie evidence of the proper functioning of the instrument. The known alcohol standard used in calibration of the instrument was tested and found to be within the acceptable tolerance range of +/- 0.010g% according to rules and regulations promulgated pursuant to LRS32:663.

DIAGNOSTIC / CERTIFICATION INFORMATION

Test	BAC g%	Time
Diagnostics	Passed	08:28:43
Air Blank	0.000	08:29:08
Subject Sample	0.100	08:29:29
Air Blank	0.000	08:30:12
Diagnostics	Passed	08:30:16

CERTIFICATION RESULT

0.100 g%

I hereby certify that this is a true and correct copy of an original document in my possession as custodian of records.
Ray Guirau 11-26-19
Raymond Guirau Date
Instructor/ Technician
Louisiana State Police
Applied Technology Section

ed 04/30/2015

TECHNICIAN'S SIGNATURE:

Operator

Technician



State of Louisiana
Department of Public Safety and Corrections

Intoxilyser 9000 Certification Card

This permit certifies compliance with the rules and regulations of the Louisiana Department of Public Safety and Corrections, Office of State Police, pursuant to R.S. 32:663 and shall remain in effect until expiration, revocation or suspension earlier.

Name: RAY GUITRAU

Permit No.: 00005

Deputy Secretary



State of Louisiana
Department of Public Safety and Corrections

Intoxilyser 9000 Certification Card

This permit certifies compliance with the rules and regulations of the Louisiana Department of Public Safety and Corrections, Office of State Police, pursuant to R.S. 32:663 and shall remain in effect until expiration, revocation or suspension earlier.

Name: RAYMOND GUITRAU

Permit No.: 00002

Deputy Secretary

R. S. 32:663 Approval of Testing Methods by Department of Public Safety

Chemical analyses of the person's blood, urine, breath or other bodily substance, to be considered valid under the provisions of this Part shall have been performed according to methods approved by the Department of Public Safety and by an individual possessing a valid permit issued by said department of this purpose. The Department of Public Safety is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the department.

Added by Acts 1968, No. 273, s 14. Amended by Acts 1977, No. 533, s 1.
This individual has met all requirements for qualification to perform maintenance and inspection on instruments indicated on the true copy of individual's permit issued by the Department of Public Safety, shown below.

I hereby certify that this is a true and correct copy of an original document in my possession as custodian of records.

Ray Guitrau 10-9-89
Raymond Guitrau Date
Instructor/ Technician
Louisiana State Police
Applied Technology Section

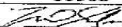


State of Louisiana
Department of Public Safety and Corrections
Intoxilyzer 9000 Certification Card

Permit certifies compliance with the rules and regulations of the Louisiana Department of Public Safety and Corrections, Office of State Police, pursuant to R.S. 13 and shall remain in effect until expiration, revoked or suspended earlier.

Operator: **PRATIMAKONE T. APHAIRATH**

Unit No.: **06968**


Deputy Secretary

Operator

Original Cert Date

06/10/2015

I hereby certify that this is a true and correct copy of an original document in my possession as custodian of records.



06/29/15

KERRY D. JOHNSON

DATE

INSTRUCTOR / TECHNICIAN
LA. STATE POLICE
APPLIED TECHNOLOGY UNIT

State of Louisiana

Department of Public Safety

and Corrections
Office of State Police

This is to certify that

PRATIMAKONE T. APHAIYARATH

has successfully completed FOUR *hours of training in*

19000 RE-CERTIFICATION

this thirteenth *day of* March *in the*
Year of Our Lord two thousand and nineteen

I hereby certify that this is a true and
correct copy of an original
document in my possession as
custodian of records.

Ray Guitrau 3-26-19
Raymond Guitrau Date
Instructor/ Technician
Louisiana State Police
Applied Technology Section


DIRECTOR OF TRAINING


SUPERVISOR OF BREATH TESTING

DWI Detection and Standardized Field Sobriety Testing



Certificate of Completion

This is to Certify that

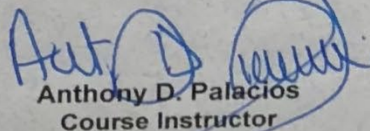
Alfred F. Boustany, III

Has successfully completed

***Principles & Techniques of Training in
Standardized Field Sobriety Testing
“The SFST Instructor Training School”***

*A 32-hour Course Recognized by the National Highway Traffic Safety
Administration and the International Association of Chiefs of Police*

*In witness thereof, the signature of duly authorized instructor affixed.
Given on the 18th day of September, 2016*


Anthony D. Palacios
Course Instructor



SFST TRAINING

- **DWI Detection and SFST- March 2015**
- **ARIDE- May 2015**
- **DRE Overview- February 2016**
- **SFST Instructor Course- September 2016**

- **All Four Courses Completed in Atlanta.**

Driving While Intoxicated

§98. Operating a vehicle while intoxicated

A.(1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when any of the following conditions exist....



Established in Milwaukee 1844

16
FL. OZ.

473
ml

Pabst
Blue Ribbon

FINE
PINT

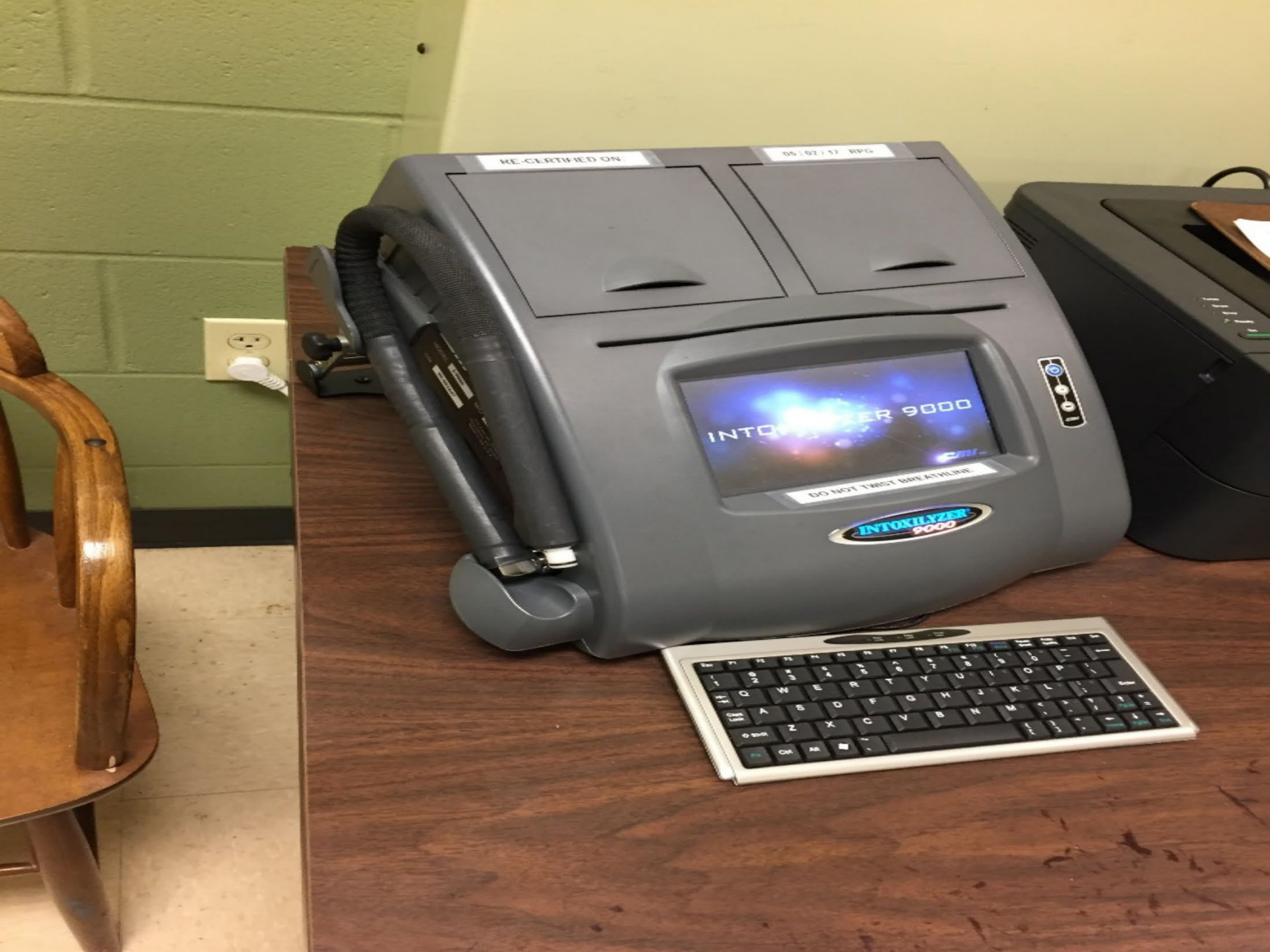
ORIGINAL

Pabst Blue Ribbon Beer, Milwaukee, Wisconsin, is brewed with the finest ingredients to provide its prized flavor. Only the finest hops and malted barley are used. Selected as America's Best in 1988.



DRIVING WHILE INTOXICATED

- (a) The operator is under the influence of alcoholic beverages.
- (b) The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.



PERIOD OF SUSPENSION (ALL DRIVING PRIVILEGES) AND/OR DISQUALIFICATION (CMV PRIVILEGES)

These are the CONSEQUENCES IF THE TEST IS CONDUCTED and the results indicated a blood alcohol concentration of .08 percent or above by weight of alcohol in the blood.

- Your driving privileges shall be suspended for a period of 90 days if this is your first submission to a test, or one year if this is your second or subsequent submission to a test within the past five years.
- If you submit to the chemical test and the results indicate a blood alcohol concentration of .20 percent or more your driver's license shall be suspended two years for the first offense or four years for the second.

PERSONS UNDER THE AGE OF 21

These are the CONSEQUENCES IF THE TEST IS CONDUCTED and the results indicated a blood alcohol concentration of .02 percent or above but less than .20 percent by weight of alcohol in the blood.

- The result will be used against you at your trial and will be used as evidence that you are intoxicated.
- Your driving privileges shall be suspended for a period of 180 days if this is your first or subsequent submission to a test.

These are the CONSEQUENCES OF REFUSAL TO SUBMIT TO THE CHEMICAL TEST. YOU HAVE THE RIGHT TO REFUSE THE CHEMICAL TEST IF YOU ARE NOT INVOLVED IN A CRASH WHERE A FATALITY OR SERIOUS BODILY INJURY OCCURRED:

- Your driving privileges shall be suspended for a period of one year if this is your first refusal, or a period of two years if this is your second or subsequent refusal within a ten year period.

LA R.S. 32:414

A.(1)(a) The department shall suspend the license of any person for a period of twelve months upon receiving, from any district, city, or municipal court, of this state or of any other state, having traffic jurisdiction, or from any federal court or magistrate having traffic jurisdiction, satisfactory evidence of the conviction or of the entry of a plea of guilty or nolo contendere and sentence thereupon or of the forfeiture of bail of any such person charged with the first offense for vehicular negligent injuring, R.S. 14:39.1, or for operating a motor vehicle while under the influence of beverages of high alcoholic content, of low alcoholic content, of narcotic drugs, or of central nervous system stimulants, regardless of whether or not the person was sentenced pursuant to Code of Criminal Procedure Article 893 or 894.

Session 8

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



Overview:

Development and Validation

NHTSA research began in 1975 in California with three final reports being published:

- **California: 1977 (lab study only)**
- **California: 1981 (lab/field study)**
- **Maryland, Washington, DC, Virginia, North Carolina: 1983 (field study only)**

Original SCRI Test Data Results

- **HGN by itself was 77% accurate**
- **Walk and Turn was 68% accurate**
- **One Leg Stand was 65% accurate**

Standardized Elements

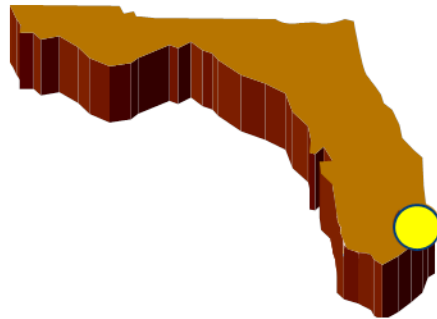
- **Standardized Administrative Procedures**
- **Standardized Clues**
- **Standardized Criteria**

SFST

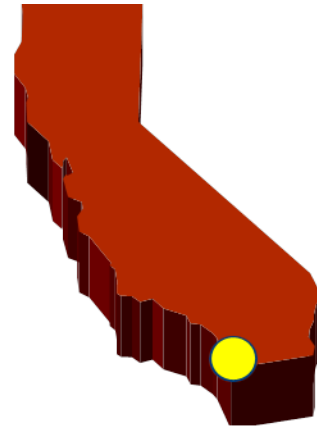
Field Validation Studies



**Colorado
1995**



**Florida
1997**



**San Diego, California
1998**

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**

Horizontal Gaze Nystagmus

**Involuntary jerking of the eyes,
occurring as the eyes gaze to the side**



Categories of Nystagmus

- **Vestibular**
- **Neural**
- **Pathological Disorders and Diseases**

Vestibular Nystagmus

- **Rotational**
- **Post Rotational**
- **Caloric**
- **Positional Alcohol Nystagmus**

Vestibular Nystagmus

- **Positional Alcohol Nystagmus**

Neural Nystagmus

- **Optokinetic**

Neural Nystagmus

- **Optokinetic**
- **Physiological**
- **Gaze**

Gaze Nystagmus

- **Horizontal**
- **Vertical**
- **Resting**

Horizontal Gaze Nystagmus

- Involuntary jerking of the eyes, occurring as the eyes gaze to the side
- Observation of the eyes for Horizontal Gaze Nystagmus provides the first and most accurate test in the SFST Battery
- It's presence may indicate use of certain other drugs

Vertical Gaze Nystagmus

- **Involuntary jerking of the eyes (up and down)**
- **Occurs when the eyes gaze upward at maximum elevation**
- **Associated with high doses of alcohol and certain other drugs**
- **Drugs that cause VGN may cause HGN**

Resting Nystagmus

- **Jerking of the eyes as they look straight ahead**
- **Presence usually indicates a pathological disorder or high doses of a Dissociative Anesthetic drug such as PCP**
- **If detected, take OFFICER SAFETY precautions**

Pathological Disorders and Diseases

Pathological Nystagmus - Caused by the presence of specific pathological disorder, which include brain tumors, other brain damage, or some diseases of the inner ear.

Pathological Disorder Nystagmus

- **Brain tumors and other brain damage**
- **Some inner ear diseases**
- **Rare in the driving population**

Medical Impairment

- **Equal pupil size**
- **Resting nystagmus**
- **Equal tracking**

Medical Impairment

Even though the possibility of alcohol and/or drug impairment exists, be aware of medical conditions having symptoms in common with alcohol influence.

HGN Medical Impairment Assessment Procedures

- **Check eyes for:**
 - **Equal pupil size**
 - **Resting nystagmus**
 - **Equal tracking**
- **If eyes do not track together, or pupils are noticeably unequal in size, medical disorders or injuries may be present**

HGN Testing: Three Clues

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

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**

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**

Three Clues of Horizontal Gaze Nystagmus

- **Lack of smooth pursuit**
- **Distinct and sustained nystagmus at maximum deviation**
- **Onset of nystagmus prior to 45 degrees**

Clue Number 1

Lack of smooth pursuit



Mechanics of Clue Number 1

- **Move object steadily at a speed that takes approximately 2 seconds to bring the eye from center to side**
- **Make at least two complete passes in front of the eyes**

Clue Number 2

Distinct and Sustained Nystagmus at Maximum Deviation



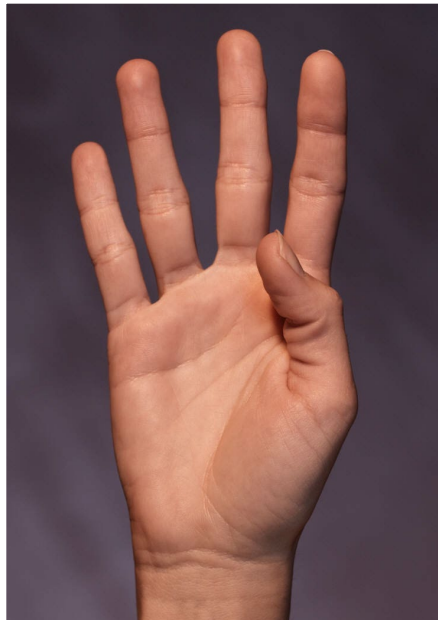
Clue Number 3

Onset of Nystagmus Prior to 45 Degrees



Horizontal Gaze Nystagmus Test Criterion

**4 or more clues indicates
BAC above 0.08 (88% accurate)**



Vertical Gaze Nystagmus





Walk and Turn

Divided Attention Test Mental Task and Physical Task

Instructions stage
Walking stage



Administrative Procedures Instructions Stage

- **Verbal instructions:**
 - **Assume heel-to-toe stance**
 - **Arms down at sides**
 - **Don't start until told**

Administrative Procedures

Walking Stage

- **Nine heel-to-toe steps, turn, nine heel-to-toe steps**
- **Turn procedures:**
 - **Turn around on line**
 - **Several small steps**

Walk and Turn Test Clues

- **Cannot keep balance while listening to instructions**
- **Starts too soon**

Walk and Turn Test Clues

- **Stops while walking**
- **Does not touch heel-to-toe**

Walk and Turn Test Clues

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

Walk and Turn Test Clues Summary

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

Walk and Turn Test Criterion

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





One Leg Stand

Divided Attention Test Mental Task and Physical Task



- **Instructions stage**
- **Balance and counting stage**

Administrative Procedures

Instructions stage:

- **Stand straight, feet together**
- **Keep arms at sides**
- **Maintain position until told otherwise**

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**

One Leg Stand Test Clues

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

One Leg Stand Test Criterion

**2 or more clues indicates BAC
at or above 0.08 (83% accurate)**





Taking Field Notes on the SFSTs

IV Pre-Arrest Screening

- Equal Tracking ☐ Yes ☐ No
- Equal Pupils ☐ Yes ☐ No
- Resting Nyst. ☐ Yes ☐ No

Horizontal Gaze Nystagmus

- Lack of smooth pursuit
- Dist. and sust. nystagmus at maximum deviation
- Nystagmus onset prior to 45 degrees
- Vertical Gaze Nystagmus
- Other _____

Left Right

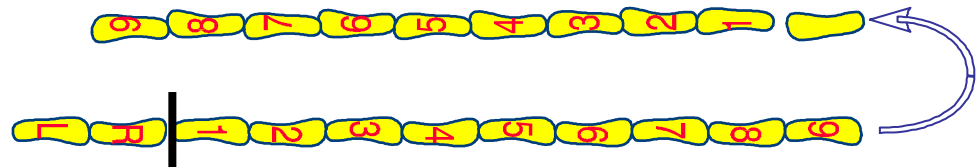
☐	☐
☐	☐
☐	☐

Y or N (circle one)

Walk and Turn

Instructions Stage

- Cannot keep balance
- Starts too soon



Walking Stage

- Stops walking
- Misses heel-toe
- Steps off line
- Raises arms
- Actual steps taken

First Nine Steps

Second Nine Steps

Improper Turn (Describe) _____

Cannot do Test (Explain) _____

Other: _____

Medical Assessment

- Equal Tracking ☐ Yes ☐ No
- Equal Pupils ☐ Yes ☐ No
- Resting Nyst. ☐ Yes ☐ No

Horizontal Gaze Nystagmus

Horizontal Gaze Nystagmus

- Lack of smooth pursuit
- Dist. & sust. nystagmus at maximum deviation
- Nystagmus onset prior to 45 degrees
- Vertical Gaze Nystagmus(circle one)

Other _____

Left Right

☐☐☐☐☐☐

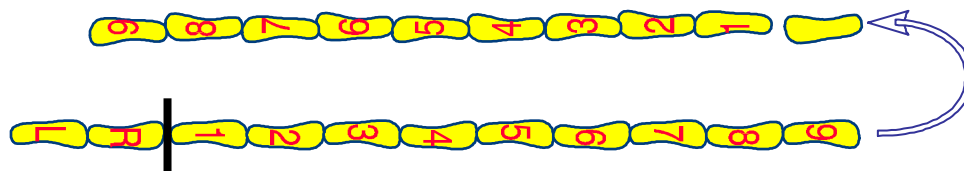
Y or N

Walk and Turn

Walk and Turn

Instructions Stage

- Cannot keep balance
- Starts too soon



Walking Stage

- Stops walking
- Misses heel-toe
- Steps off line
- Raises arms
- Actual steps taken

First Nine Steps

Second Nine Steps

Improper Turn (Describe) _____

Cannot do Test (Explain) _____

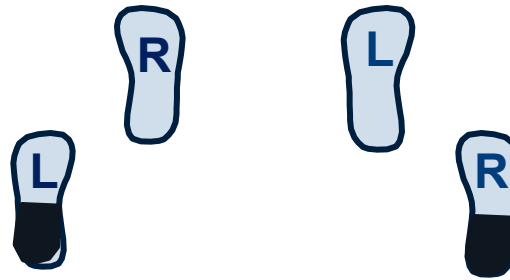
Other: _____

Considerations for the Walk and Turn Test

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

One Leg Stand Field Notes

One Leg Stand:



- | L | R | |
|--------------------------|--------------------------|-----------------------|
| ☐ | ☐ | Sways while balancing |
| ☐ | ☐ | Uses arms to balance |
| ☐ | ☐ | Hopping |
| ☐ | ☐ | Puts foot down |

Type of Footwear: _____

Other: _____

DRIVING WHILE INTOXICATED

(c) The operator is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964



HEY MAN, AM I DRIVING OK?

I THINK WE'RE PARKED MAN

QUESTIONS?

CONTACT INFORMATION

Alfred F. Boustany, III

Boustany Law Firm

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Lafayette, LA 70501

337-261-0225

afb3@boustanylawfirm.com