



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: STANDARDIZED FIELD
SOBRIETY TESTS**

DATE: March 24, 2023

Bulletin #2023-012

Due to recent court cases and in order to ensure the Department is in compliance with State standards, the term "Field Sobriety Exercises" (FSEs) will be referred to as "Standardized Field Sobriety Tests" (SFSTs). The purpose of the tests is to assist officers in determining if there is evidence of impairment. These tests are listed in detail on the SJPD Form 202-65

The form was recently reviewed and revised, and changes were made in order to ensure officers are administering the test efficiently and accurately. It is crucial that officers perform the first three tests listed on SJPD Form 202-65 in the manner described, unless the subject is injured and/or has a medical condition which prevents the tests from being performed. Changes on the new form include the following:

- Validated SFSTs, which should be explained and demonstrated in the manner explained on SJPD form 202-65.
 - Validated Test #1: Horizontal Gaze Nystagmus (HGN)

The HGN was listed on the previous version of the form as an objective symptom, but is now listed on the new form as the first SFST that officers should perform on the subject. (Refer to diagram on page 3 for instructions on how to properly perform the HGN test.)

- Validated Test #2: One Leg Stand
 - Validated Test #3: Walk and Turn
- Additional non-validated field sobriety tests.
 - Non-Validated Test #1: Modified Position of Attention
 - Non-Validated Test #2: Finger to Nose
 - Non-Validated Test #3: Finger Dexterity

SJPD Form 202-65 was revised to assist officers in properly conducting SFSTs and to comply with State standards. Officers should immediately discard the pink FSEs form and use the new revised pink SFSTs form. The revised forms are available at Central Supply.

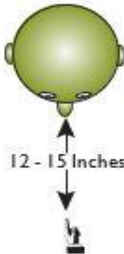
Field Sobriety Exercises (FSE's)		
Each exercise should be explained and demonstrated in such a manner that the subject understands what is expected. A DUI arrest should always be based on the totality of the circumstances/info. available to the officer. STANDARDIZED FSE's The District Attorney's office recommends a minimum of 3 FSE's, unless impractical. Other FSE's, not listed here, may be given if approved and authorized by the District Attorney's office. Note: Field Sobriety Exercises should be administered in all cases except when, in the officer's opinion, it is impractical. OBJECTIVE SYMPTOMS Breath: odor of an alcoholic beverage Eyes: red, watery, bloodshot Speech: normal, slow, slurred Attitude: cooperative, calm, nervous, angry Balance: steady, unsteady, sways, falling down Horizontal Nystagmus: Movement of eyes smooth / jerky, eyes display lateral nystagmus, eyes bounce with white still show FIELD SOBRIETY EXERCISE Leg Raise Tell the subject: "When I tell you to, raise the heel of either foot about 6" off the ground. Keep your leg straight, your hands at your sides and look at your foot. Count to 30 aloud saying 1001, 1002, 1003, etc. Any questions?" - Starts too soon - Drops foot - Sways - Stops counting - Counts beyond 30 Walk and Turn/Heel to Toe Tell the subject: "Put your hands at your side, put your feet in a straight-line heel to toe. When I tell	you to, take ____ steps heel to toe. Keep your feet in a straight line and look at your feet. Count each step aloud as you take it. Turn around and repeat the exercise the same way taking ____ steps back." - Starts too soon - Loses balance during stand - Raises arms - Gap between heel and toe - Stops counting - Count not in sync with step - Loses balance on turn - Steps off line - Stops walking - Didn't count aloud - Didn't walk the amount of requested steps up or back Modified Position of Attention Tell the subject: "When I tell you to, put your feet together, heels and toes. Put your hands at your sides. Close your eyes and tilt your head back slightly. Stand in that position until it seems 30 seconds has passed then open your eyes. Any questions? Start the exercise." Do not follow directions - Significant upper body sway - Raises arms - Opens eyes - Holds on to clothes - Feet not together - Subject opened eyes after ____ seconds Alphabet Ask the subject to recite or write the alphabet on a piece of paper. If it is written on a piece of paper, attach it to the DUI report. NOTE: Subject's education level, speech difficulties, and English language should be ascertained. Any of these may negate the exercise. - Alphabet completed? - Letters missing - If written, is it legible? Finger to Nose Tell the subject: "Place your feet together, heels and toes. Place your hands at your sides, turn your palms forward, make a fist and extend your index fingers. Close your eyes and tilt your head	back slightly. When I say "left", touch the tip of your left finger to the tip of your nose then return your hand to your side. When I say "right", touch the tip of your right finger to the tip of your nose then return your hand to your side. Any questions?" - Doesn't follow directions - Steps out of position - Wrong hand at command - Opens eyes - Body sways - Doesn't touch tip of nose ____ time(s) - Loses balance Finger Count/Finger Dexterity Exercise The subject should count using his/her fingers and thumb. The subject should touch the tip of the index finger to the tip of the thumb and count "one," then the tip of the middle finger to thumb and count "two," and the tip of the ring finger to the thumb and count "three," and the tip of the little finger to the thumb and count "four." The order is then reversed. This is one complete exercise. Ask the subject to perform it three times. - Did subject do three complete sets? - Fingers and thumbs not touched in sync - Fingers and thumbs not used at all - Counted 1-4 in the reverse order, not 4-1 - Counted out of order - Skipped numbers - Subject started exercise with little finger, not index finger - Tips of fingers didn't touch tip of thumb PRELIMINARY ALCOHOL SCREENING DEVICE (PAS) The PAS should be given last after the FSE's are performed, except for unusual circumstances. REFUSAL TO COOPERATE It is impossible to demand or force anyone to complete a Field Sobriety Exercise against his/her will. If a subject refuses to perform an exercise, it should be explained in the report.
Non-Validated Test #1 Modified Position of Attention Tell the subject: "Stand with your feet together and arms at your sides. When I tell you to, close your eyes and tilt your head back slightly. Stand in that position until it seems 30 seconds has passed then lean your head forward and open your eyes. Count 30 seconds in your head, not out loud. Do you understand?" Clues to look for: - Significant upper body sway - Raises arms - Opening eyes early or late (note time) - Feet not together - Subject opened eyes after ____ seconds Non-Validated Test #2 Finger to Nose Tell the subject: "Stand with your feet together and arms at your sides. Turn your palms forward, make a fist, and extend your index fingers. Close your eyes and tilt your head back slightly. When I say "left" touch the tip of your left finger to the tip of your nose then return your hand to your side. When I say "right" touch the tip of your right finger to the tip of your nose then return your hand to your side. Do you understand?" Clues to look for: - Subject doesn't follow directions - Steps out of position - Subject uses wrong hand on command	- Body sways - Doesn't touch tip of nose ____ time(s) - Loses balance Non-Validated Test #3 Finger Dexterity Ask about any physical inability to perform this test (e.g., hand or arm injury) Tell the subject: "Stand with your feet together and arms at your sides. When I tell you to, you will raise one hand, either hand, and count using your fingers and your thumb. Touch your thumb to the tip of your index finger and count 'one,' then the tip of your middle finger and count 'two,' then the tip of your ring finger and count 'three,' then the tip of your little finger and count 'four.' You will then reverse the order with 'four, three, two, one.' You will perform this sequence three times. Do you understand?" Clues to look for: - Subject doesn't follow directions - Did the subject do three complete sets - Fingers and thumbs not touched in sync - Fingers and thumbs not used at all - Counted 1-4 in reverse order, not 4-1 - Counted out of order - Skipped numbers - Subject started test with little finger, not index finger - Tips of fingers didn't touch tip of thumb	Standardized Field Sobriety Tests (SFSTs) Each test should be explained and demonstrated in such a manner the subject understands what is expected. A DUI arrest should always be based on the totality of the circumstances and information available to the officer. The District Attorney's Office recommends a minimum of three (3) SFSTs unless impractical. SFSTs should be administered in all cases except when, in the officer's opinion, it is impractical. Objective Symptoms Examples: Breath: odor of an alcoholic beverage Eyes: red, watery, bloodshot Speech: normal, slow, slurred Attitude: cooperative, calm, nervous, angry Balance: steady, unsteady, swaying, falling down Always Ask About: - Physical injuries, disabilities, or ailments that would make performing the test difficult - Physician-prescribed medications that would make performing the test difficult Refusal to Cooperate: It is impossible to demand or force anyone to complete an SFST against their will. If a subject refuses to perform a test, it should be explained in the report. Preliminary Alcohol Screening (PAS): The PAS should be given after the last SFSTs are performed, except in unusual circumstances.



Horizontal Gaze Nystagmus

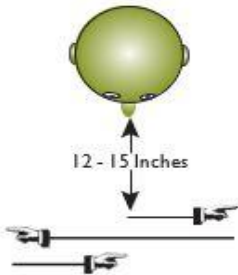
Timing Guide

Equal Pupil Size & Resting Nystagmus



12 - 15 Inches

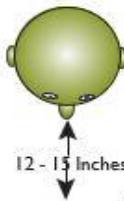
Equal Tracking



12 - 15 Inches

1 complete pass at approximately same speed as lack of smooth pursuit.

Lack of Smooth Pursuit



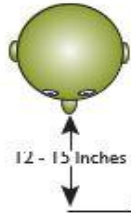
12 - 15 Inches

Approximately 2 seconds

Approximately 4 seconds

Approximately 2 seconds (Repeat)

Distinct and Sustained Nystagmus at Maximum Deviation

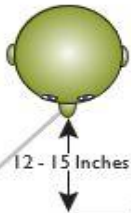


12 - 15 Inches

Hold at maximum deviation minimum 4 seconds

Hold at maximum deviation minimum 4 seconds (Repeat)

Onset of Nystagmus Prior to 45 Degrees



12 - 15 Inches

Approximately 4 seconds to 45 degrees

Approximately 4 seconds to 45 degrees (Repeat)



Anthony Mata
Chief of Police