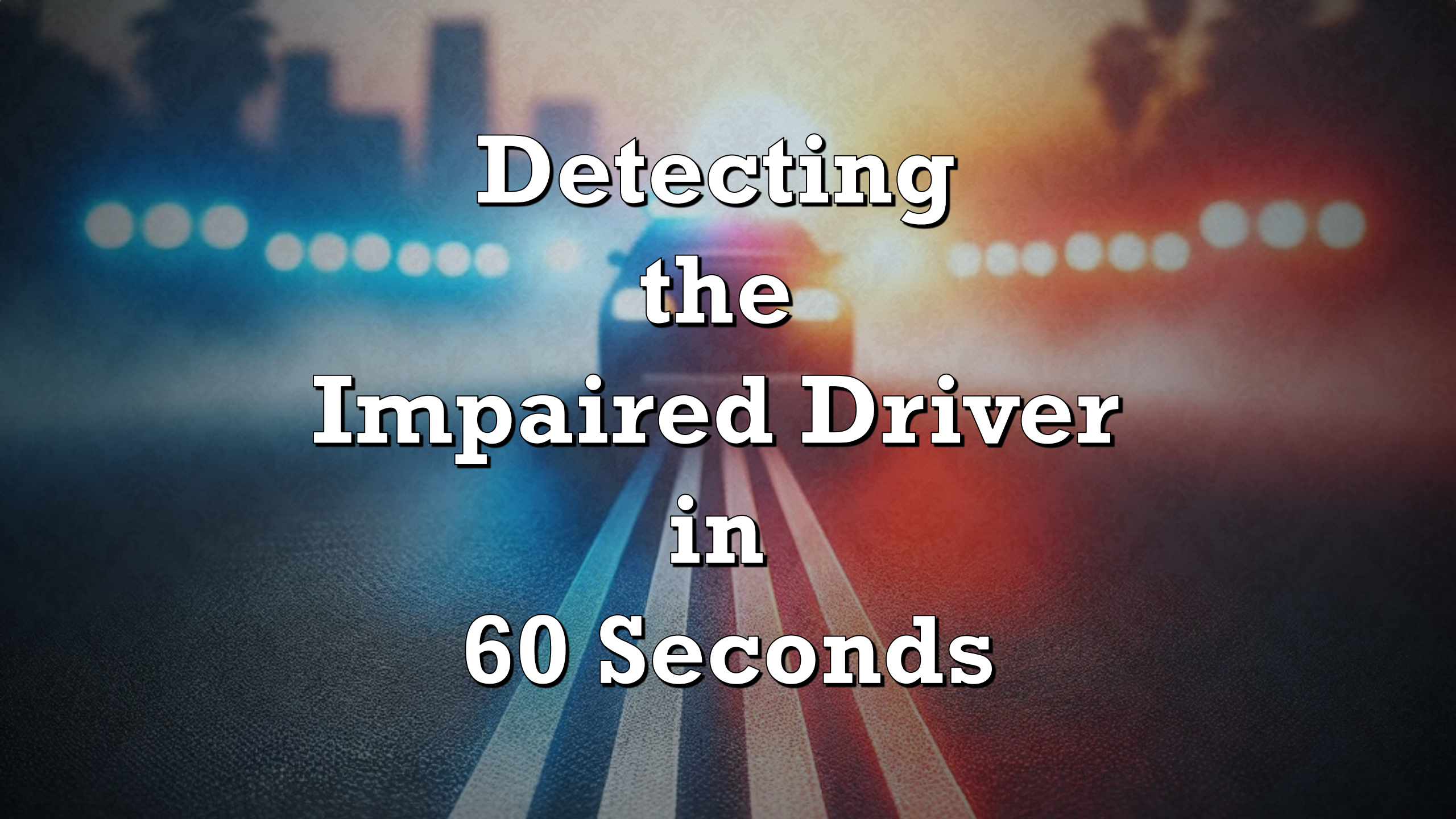
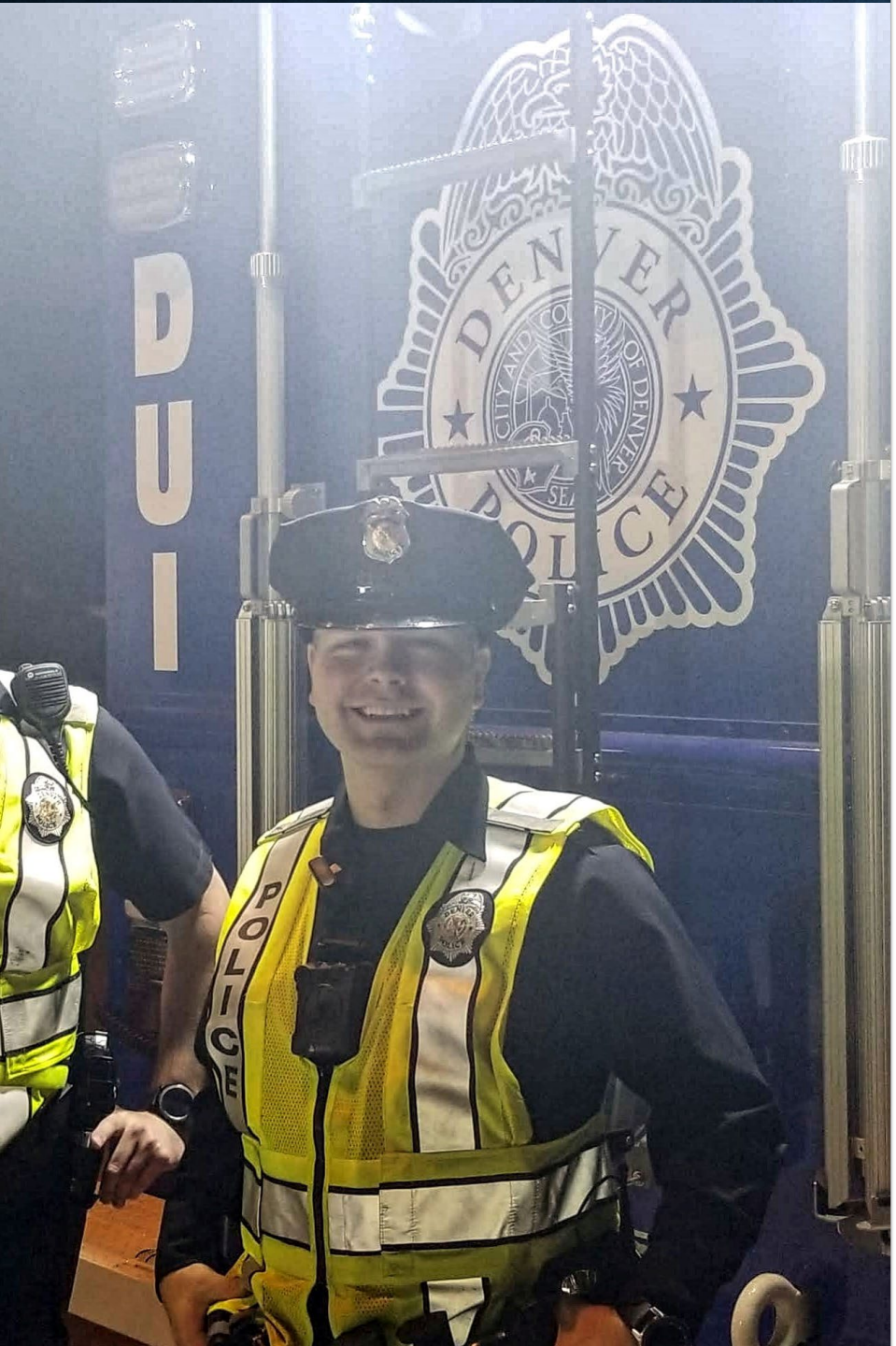

Detecting
the
Impaired Driver
in
60 Seconds

LIPTON'S
TEA



CPL. AARON BOTTS

DENVER POLICE DEPARTMENT

16 years in Law Enforcement:

- 8 with Wheat Ridge Police (85 Officers)
- 8 with Denver Police (1500 Officers)

- SFST Instructor, DRE Instructor, Intoxilyzer Instructor, RADAR/LIDAR Instructor

- 600+ Enforcement SFSTs

- 1500+ Career DUI-Related Investigations

Updated: Feb. 2025

DWI DETECTION AND STANDARDIZED FIELD SOBRIETY TESTING

SECTION H.

PURPOSE OF THE COURSE

SFST

ADMINISTRATOR GUIDE

Purpose of the Course

The fundamental purpose of this training course is to foster DWI deterrence, i.e., to dissuade people from driving while impaired by increasing the odds that they will be arrested and convicted. This course is based on the assumption that a principal reason for enforcing DWI laws is to deter those who might otherwise be tempted to drive while impaired. If potential DWI violators believe that there is a real risk of being caught, it is reasonable to believe most will refrain from driving while impaired.

Police officers can't possibly detect and arrest all DWI violators. Not all who are arrested will be convicted and punished. However, officers can improve the skills that increase the chances of detecting, arresting, recording, articulating, and gathering sufficient evidence to sustain a conviction.

The training is based on the premise that officers perform two fundamental tasks which affect the likelihood of apprehending and convicting impaired drivers. The first of those tasks is detection. In this course, "detection" is defined as "the entire process of identifying and gathering evidence to determine whether a suspect should be arrested for DWI." DWI detection begins when an officer's attention is drawn to a particular vehicle or its operator. The precipitating events are unlimited. The initial "spark" that causes the officer to focus attention on the particular vehicle may carry with it an immediate, strong suspicion of the possibility of

impairment; or, only a slight suspicion of the possibility of impairment; or, depending on the circumstances, no suspicion at all at that time. Regardless, it sets in motion a process in which the officer focuses on the particular individual and has the opportunity to observe and elicit additional evidence.

The detection process ends only when the officer formulates the decision either to arrest or not arrest the individual for DWI. That decision is based on all of the accumulated evidence. Effective DWI enforcers do not leap immediately to the arrest/no arrest decision. Rather, they proceed carefully through a series of intermediate decisions, each of which can elicit evidence. The course clearly outlines each decision step.

Successful DWI detectors are those officers who know what to look and listen for, who have the skills to ask the right questions, and choose and use the right tests. They are highly motivated and apply their knowledge and skill whenever they contact someone who may be under the influence. In this way, they tend to make more DWI arrests and gather the best possible evidence to support their charges.

The second basic task of effective DWI enforcement is description. Just as detection is the process of collecting evidence, description is the process of articulating evidence. Successful description demands the ability to verbally convey evidence clearly and convincingly. The officer's challenge is to communicate observational evidence to people who weren't there to see, hear, or smell the evidence themselves. The officer's tools are words. These words make up the written report and verbal testimony which the officer uses to "paint a word picture" when communicating with the prosecutor, the judge, the members of the jury, and the defense attorney. This skill allows these people to develop a sharp mental image that allows them to "see," "hear," and "smell" the evidence. Successful DWI describers have the verbal skills needed to use descriptive words and phrases to communicate their evidence clearly and convincingly.

This training will help officers become more skillful at detection and description, make more DWI arrests, and obtain more convictions. These actions will lead to greater DWI deterrence through less impaired driving and fewer crashes, injuries, and deaths.

ADMINISTRATOR'S GUIDE – P.10

SUCCESSFUL DWI DETECTORS ARE THOSE OFFICERS WHO KNOW

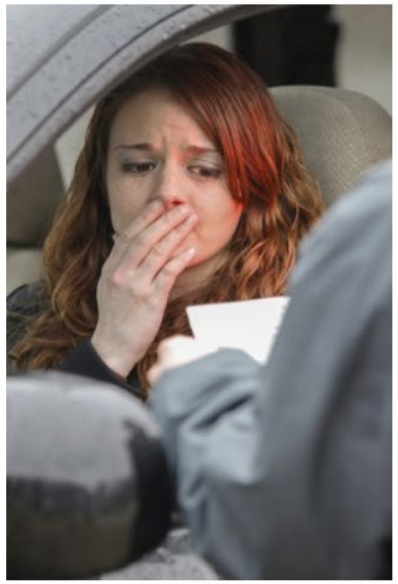
WHAT TO LOOK AND LISTEN FOR,

WHO HAVE THE SKILLS TO ASK THE RIGHT QUESTIONS,

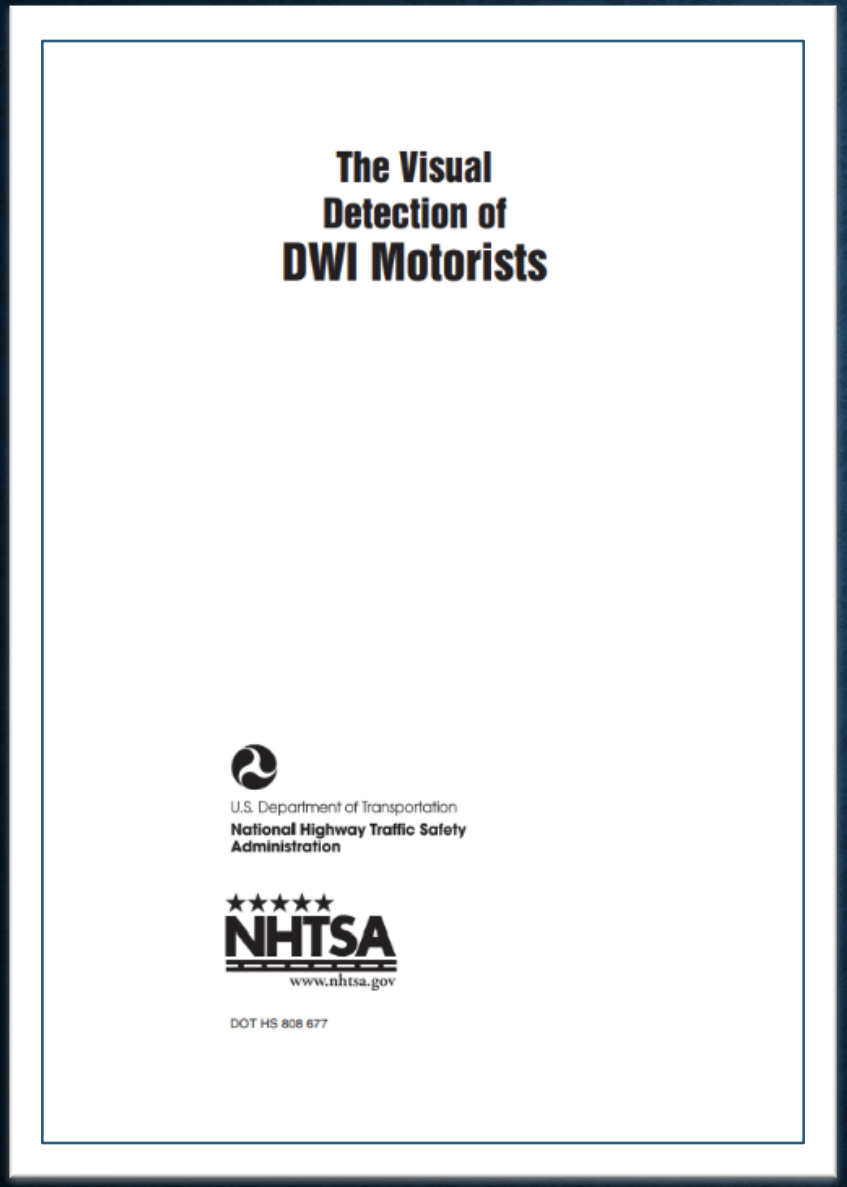
AND CHOOSE AND USE THE RIGHT TESTS.

Session 6

Phase Two: Personal Contact



"ENHANCED" PERSONAL CONTACT



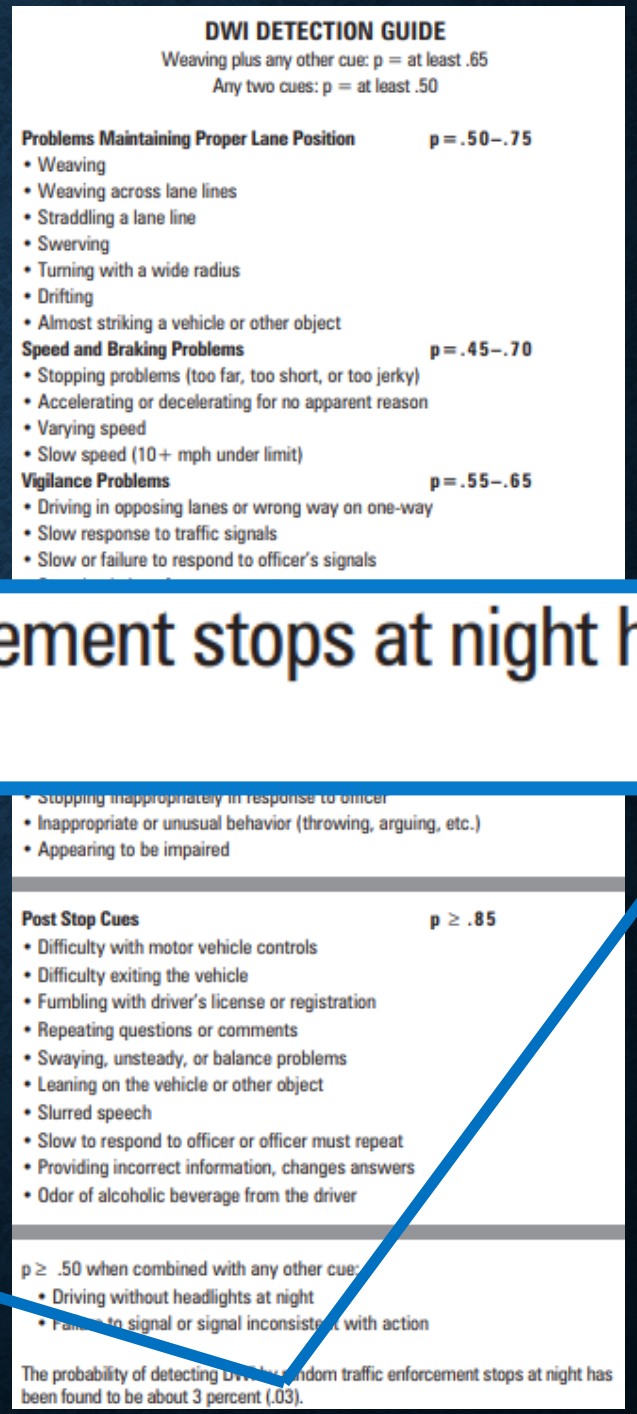
PHASE 1: VEHICLE IN MOTION

Most Common and Reliable Initial Indicators of DWI

- Problems in maintaining proper lane position
- Speed and braking problems
- Vigilance problems
- Judgment problems

- 24 Cues
- 4 Driving Behavior Categories

Page 4



DWI DETECTION GUIDE

Weaving plus any other cue: p = at least .65
Any two cues: p = at least .50

Problems Maintaining Proper Lane Position **p = .50–.75**
- Weaving
- Weaving across lane lines
- Straddling a lane line
- Swerving
- Turning with a wide radius
- Drifting
- Almost striking a vehicle or other object

Speed and Braking Problems **p = .45–.70**
- Stopping problems (too far, too short, or too jerky)
- Accelerating or decelerating for no apparent reason
- Varying speed
- Slow speed (10+ mph under limit)

Vigilance Problems **p = .55–.65**
- Driving in opposing lanes or wrong way on one-way
- Slow response to traffic signals
- Slow or failure to respond to officer's signals

- Inappropriate or unusual behavior (throwing, arguing, etc.)
- Appearing to be impaired

Post Stop Cues **p ≥ .85**
- Difficulty with motor vehicle controls
- Difficulty exiting the vehicle
- Fumbling with driver's license or registration
- Repeating questions or comments
- Swaying, unsteady, or balance problems
- Leaning on the vehicle or other object
- Slurred speech
- Slow to respond to officer or officer must repeat
- Providing incorrect information, changes answers
- Odor of alcoholic beverage from the driver

p ≥ .50 when combined with any other cue:
- Driving without headlights at night
- Failure to signal or signal inconsistent with action

The probability of detecting DWI by random traffic enforcement stops at night has been found to be about 3 percent (.03).

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Page 4

Weaving plus any other cue: p = at least .65

Any two cues: p = at least .50

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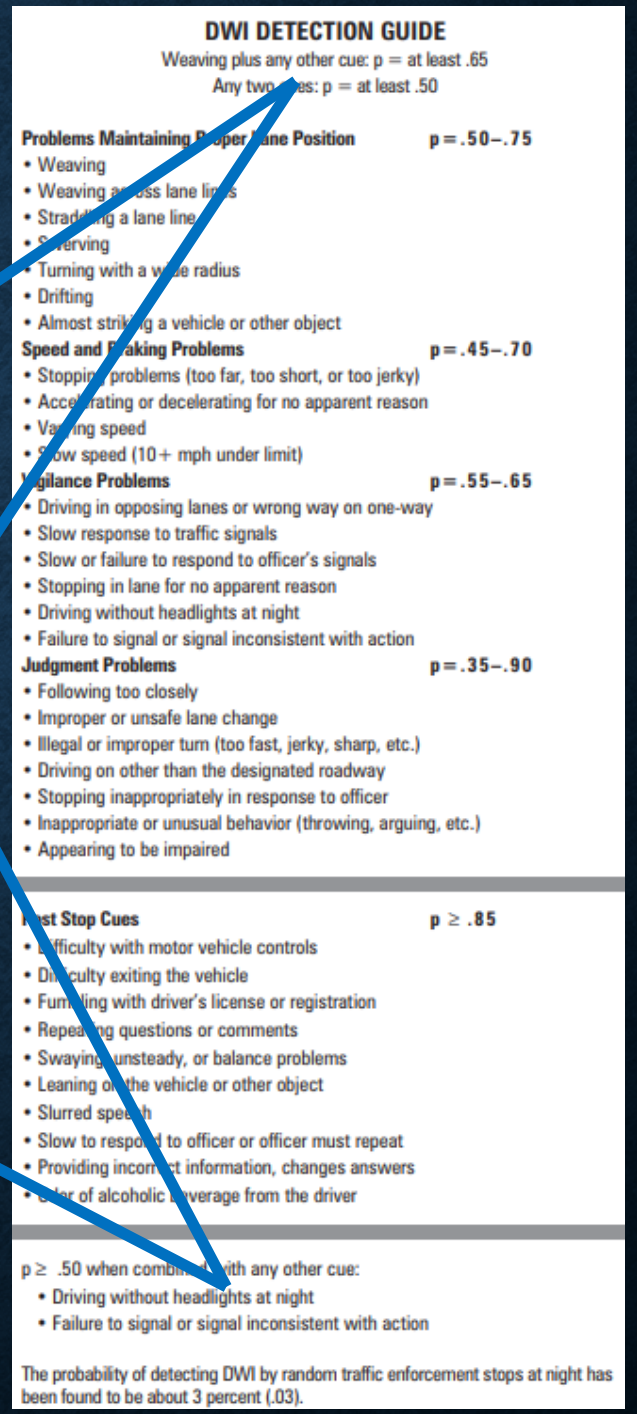
- Failure to signal or signal inconsistent with action



DWI DETECTION GUIDE

Weaving plus any other cue: p = at least .65

Any two cues: p = at least .50

Problems Maintaining Proper Lane Position p=.50–.75

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- Weaving across lane lines
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- Slow response to traffic signals
- Slow or failure to respond to officer's signals
- Stopping in lane for no apparent reason
- Driving without headlights at night
- Failure to signal or signal inconsistent with action

Judgment Problems p=.35–.90

- Following too closely
- Improper or unsafe lane change
- Illegal or improper turn (too fast, jerky, sharp, etc.)
- Driving on other than the designated roadway
- Stopping inappropriately in response to officer
- Inappropriate or unusual behavior (throwing, arguing, etc.)
- Appearing to be impaired

Post Stop Cues p ≥ .85

- Difficulty with motor vehicle controls
- Difficulty exiting the vehicle
- Fumbling with driver's license or registration
- Repeating questions or comments
- Swaying, unsteady, or balance problems
- Leaning on the vehicle or other object
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- Failure to signal or signal inconsistent with action

The probability of detecting DWI by random traffic enforcement stops at night has been found to be about 3 percent (.03).

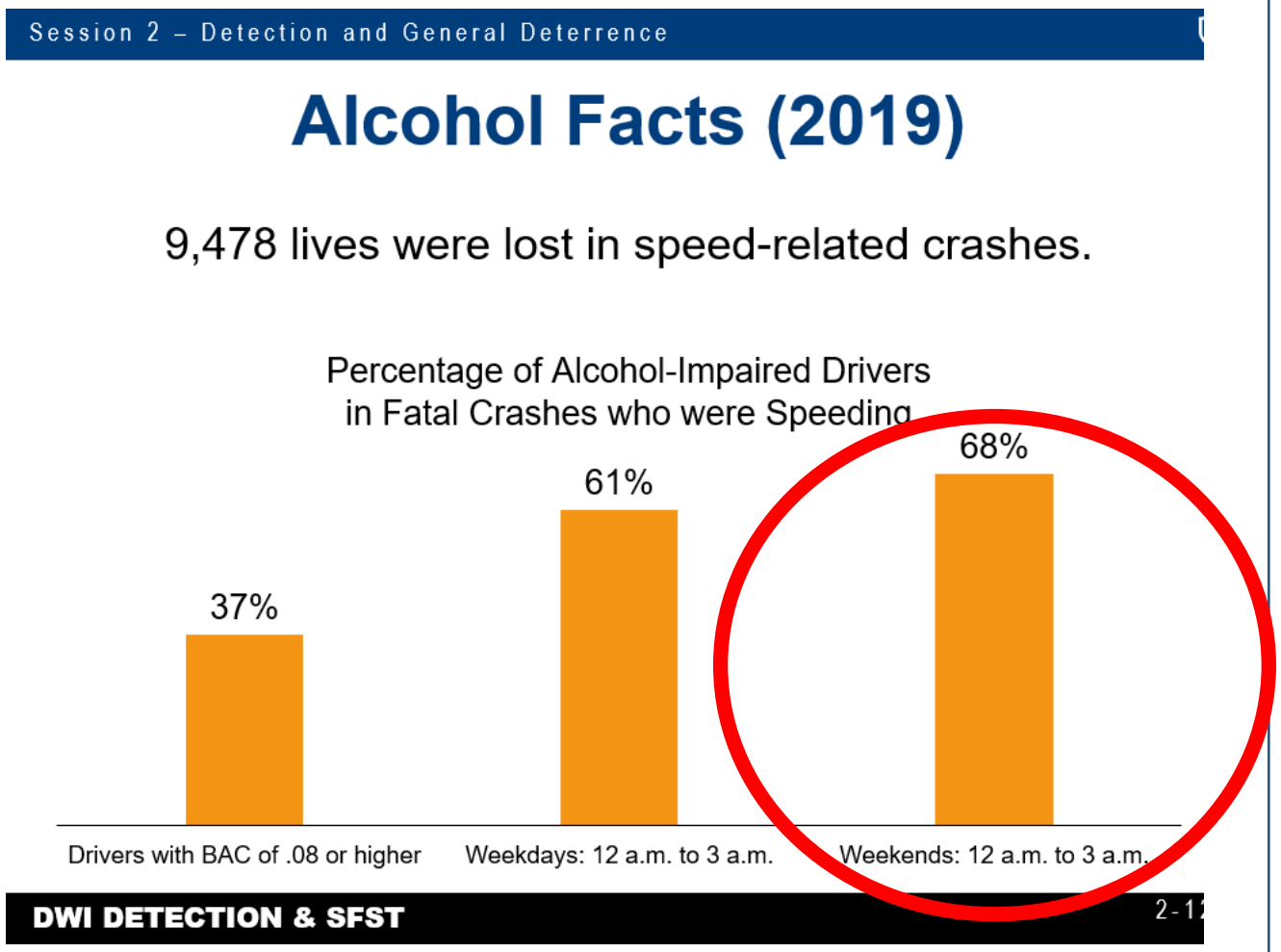
CRASH SCENARIO

A witness reports, that prior to the crash, they had observed the vehicle driving without headlights, weaving across lane lines, and speeding.

Based on these driving actions, what is the likelihood the driver has a BAC above 0.08?

Weaving across lane lines = 50% – 75%
No headlights = 55% - 65%

Both together = At least 65%



THE CRASH OCCURRED AT 0200 HOURS SATURDAY MORNING

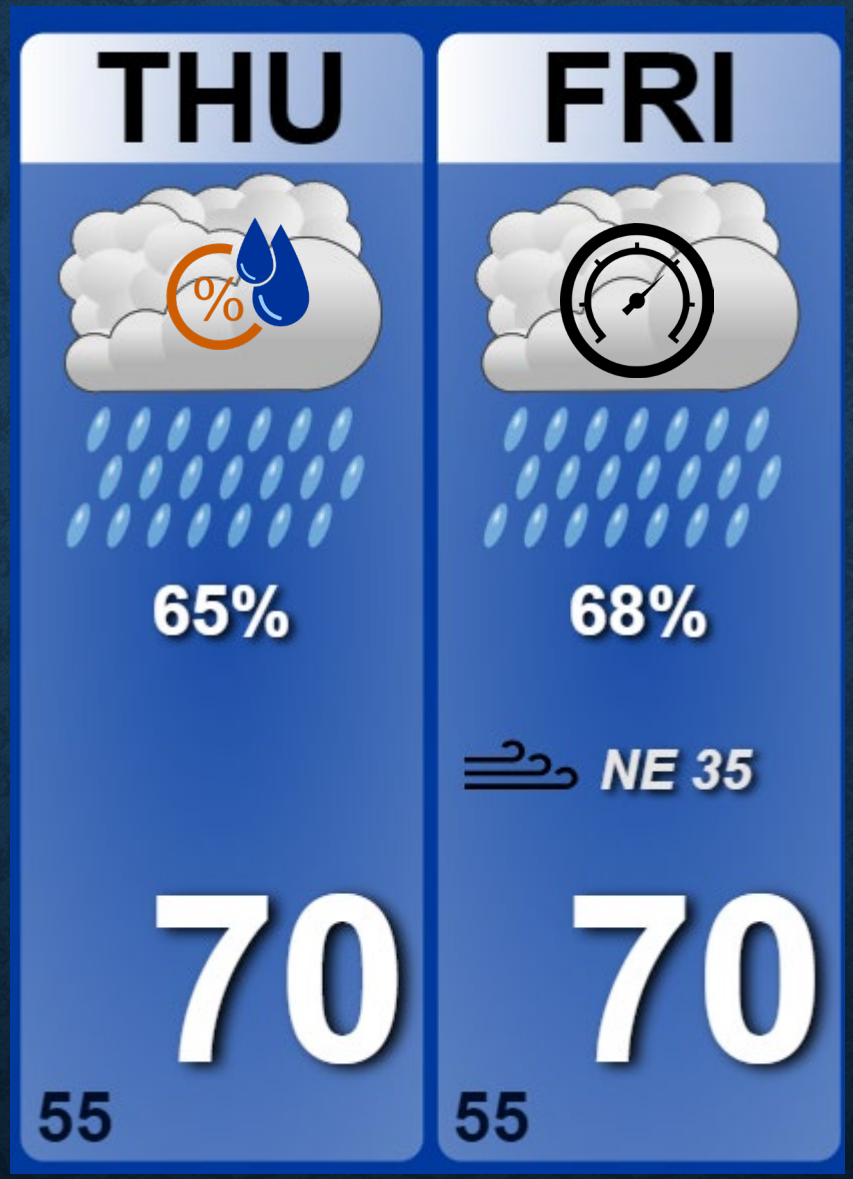
Weaving across lane lines
50% – 75%

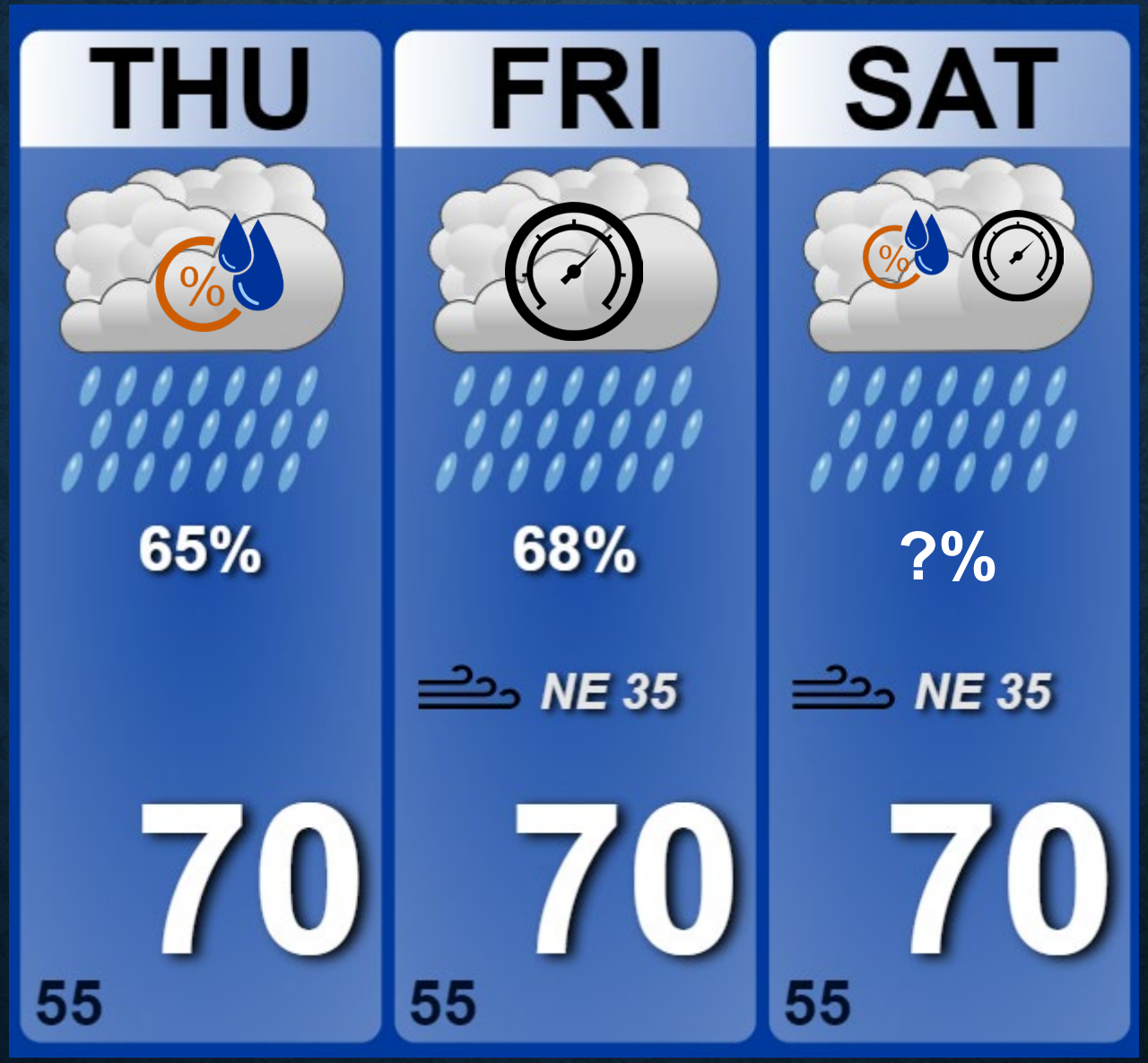
No headlights
55% - 65%

Both together
At least 65%

Time and Day factor
68%

THU
65%
70
55


THU
65%
70
55
FRI
68%
NE 35
70
55


THU
65%
70
55
FRI
68%
NE 35
70
55
SAT
?%
NE 35
70
55

1
2
3
Face to face observation and interview
4
5
6

1
Initial observation of vehicle operation
2
Observation of the stop
3
4
5
6

Phase Two: Personal Contact

Interview and Observation of the Driver

Should Driver Exit?

Session 6 – Phase Two: Personal Contact

What Do You Hear?

- Slurred speech
- Admission of drinking
- Inconsistent responses
- Unusual statements
- Abusive language
- Anything else

DWI DETECTION & SFST 6-8

Session 6 – Phase Two: Personal Contact

Personal Contact

What do you see?

DWI DETECTION & SFST 6-5

Session 6 – Phase Two: Personal Contact

DWI DETECTION & SFST 6-9

SESSION 6: PERSONAL CONTACT

What Do You See?

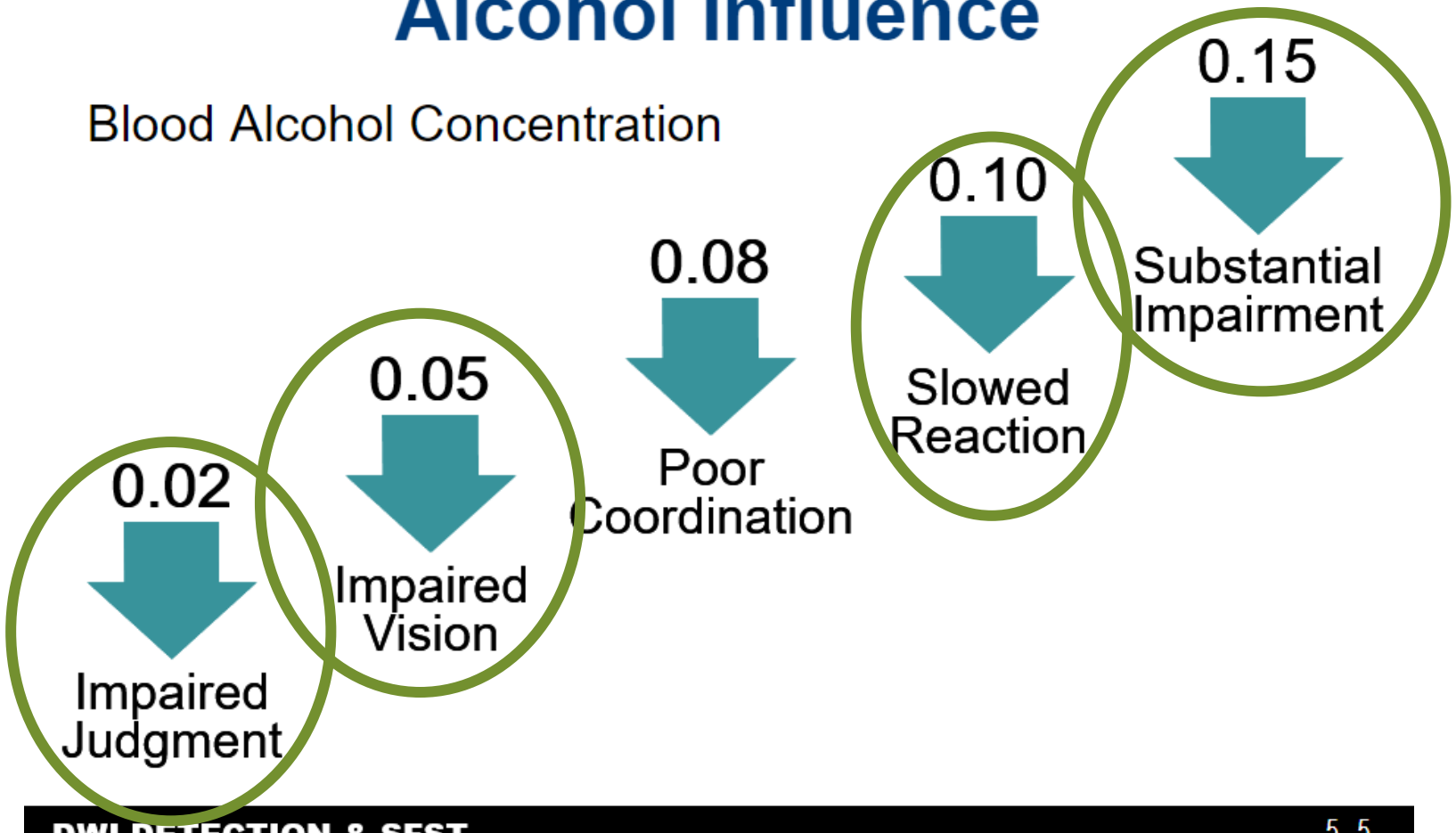
- ~~Bloodshot eyes~~
- Soiled clothing
- ~~Fumbling fingers~~
- Alcohol containers
- Drug and drug paraphernalia
- Bruises, bumps, scratches
- Unusual actions

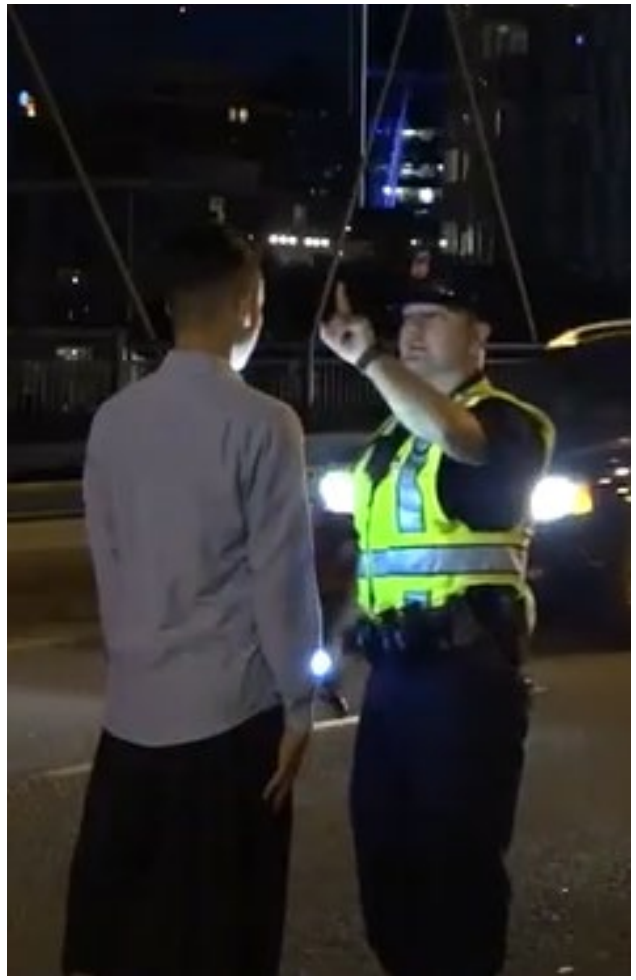
Detecting the Impaired Driver in 60 Seconds

What Do You Hear?

- ~~Slurred speech~~
- Admission of drinking
- Inconsistent responses
- Unusual statements
- ~~Abusive language~~
- Anything else

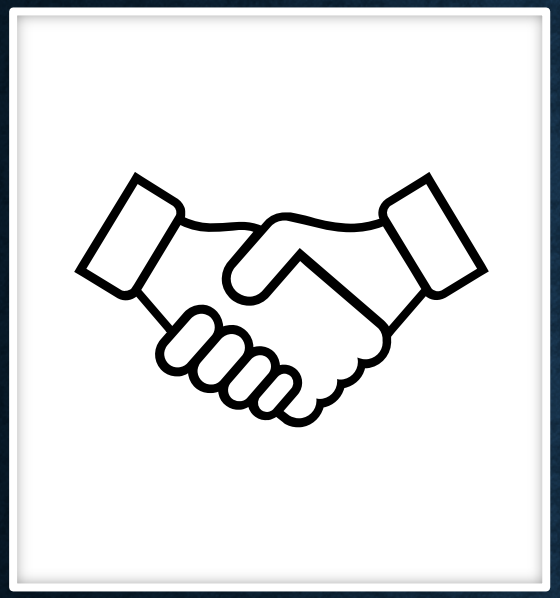
Common Symptoms of Alcohol Influence





MASTERING THE FOUR QUESTIONS TO DETECT IMPAIRMENT

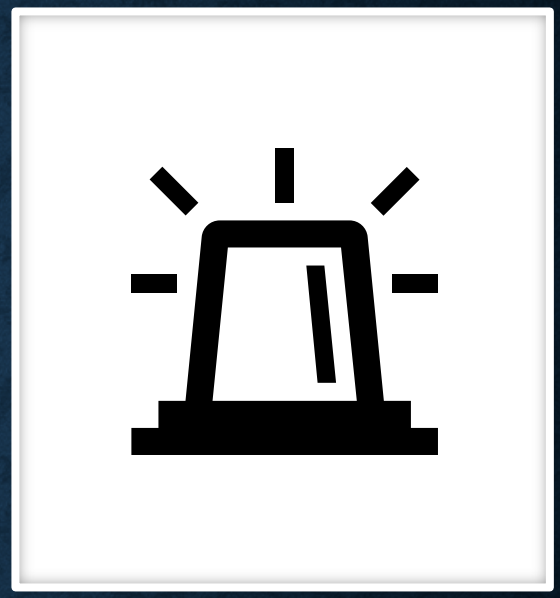
- Data gathered from:
  - SFST Arrest Log
  - Body Worn Camera
  - Sobriety Reports
  - 7 years of data covering over 350 Interviews
- Refined through repetition and instruction
- Not every case analyzed
  - Too drunk to answer questions
  - Non-English, Drugs, Questions not asked
  - Analyzed cases include 2 questions asked
  - Juveniles



Cooperation

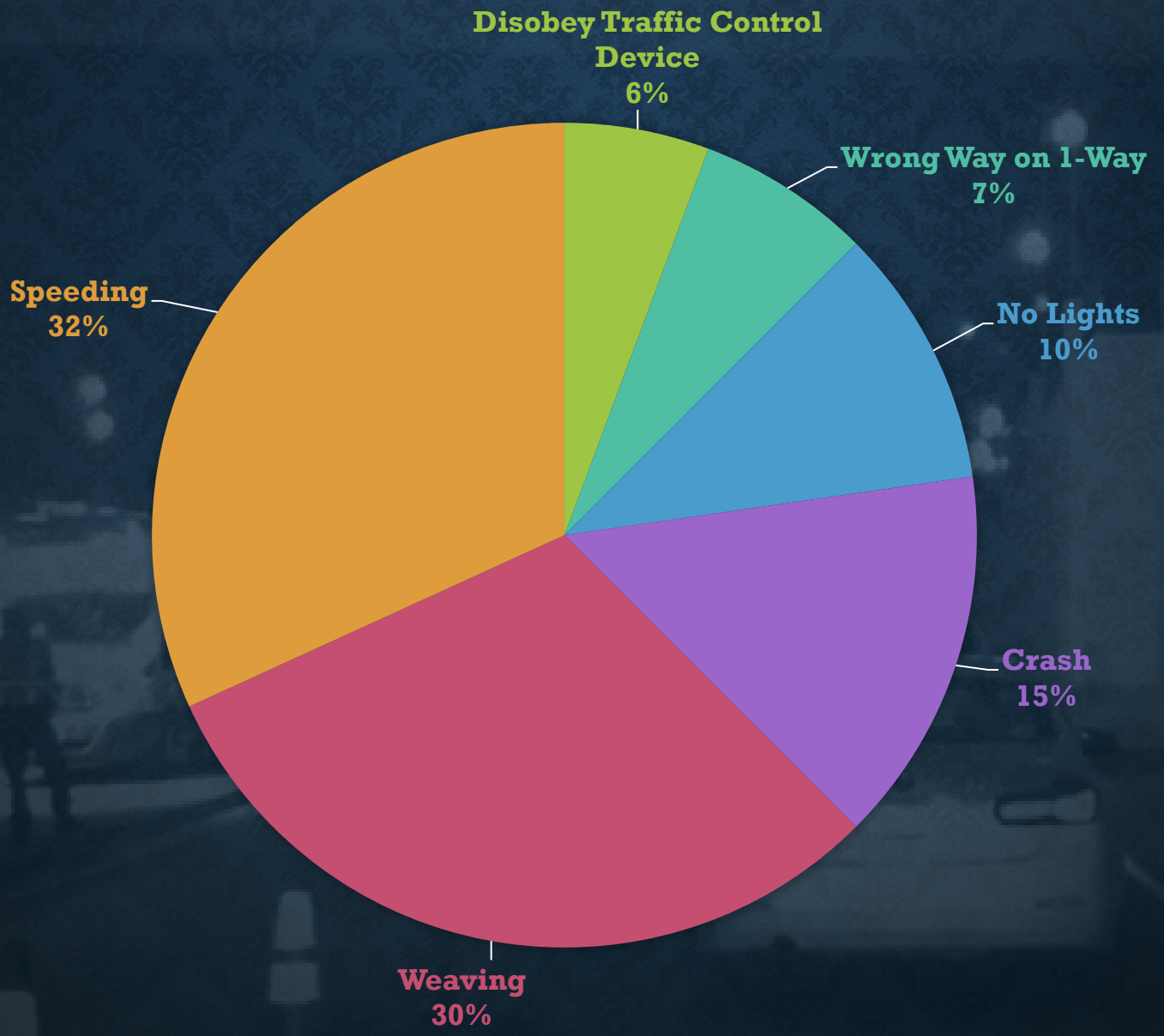
Honesty

Self Appraisal



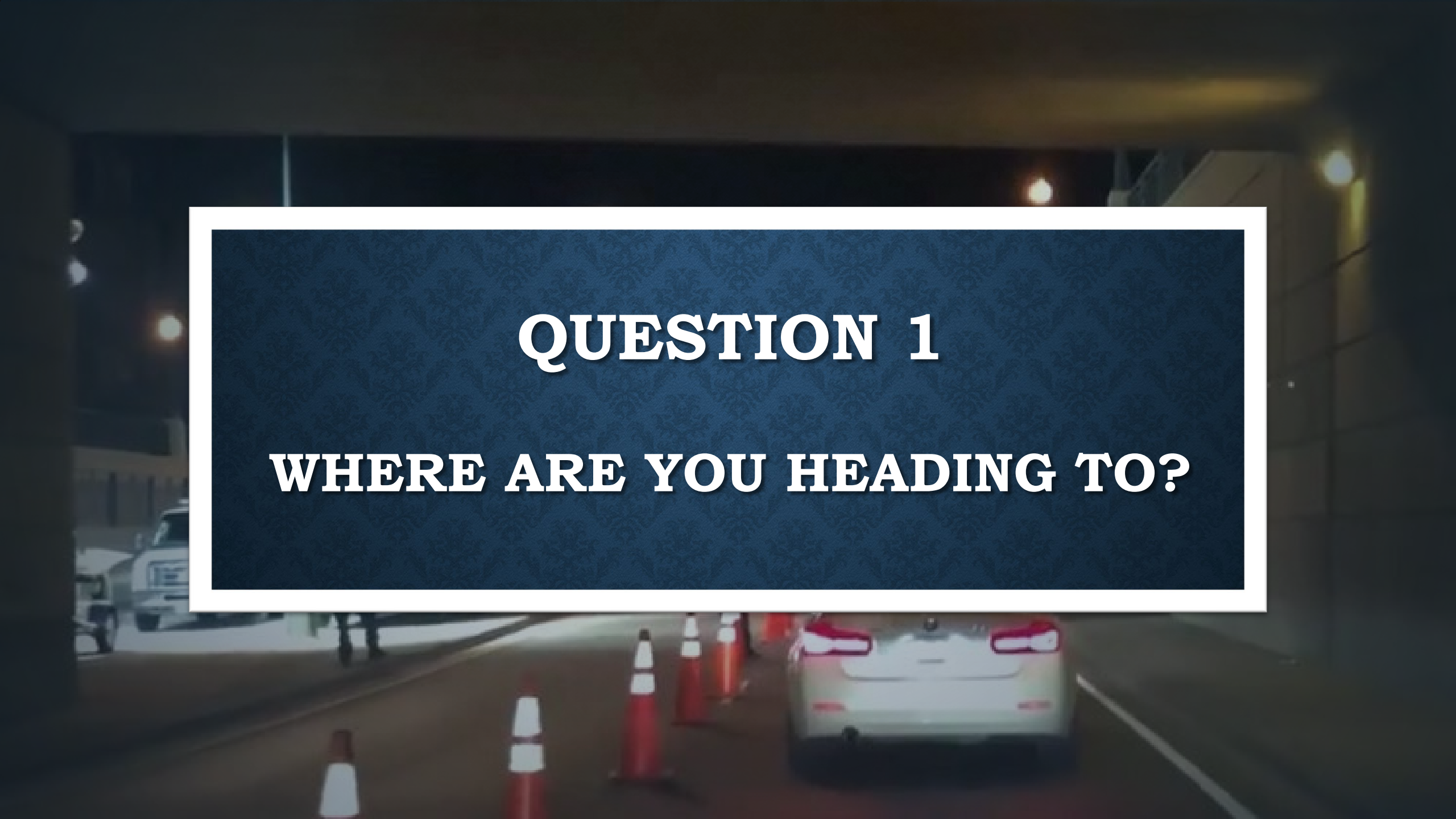
Officer Appraisal

REASON FOR CONTACT (358 CONTACTS)

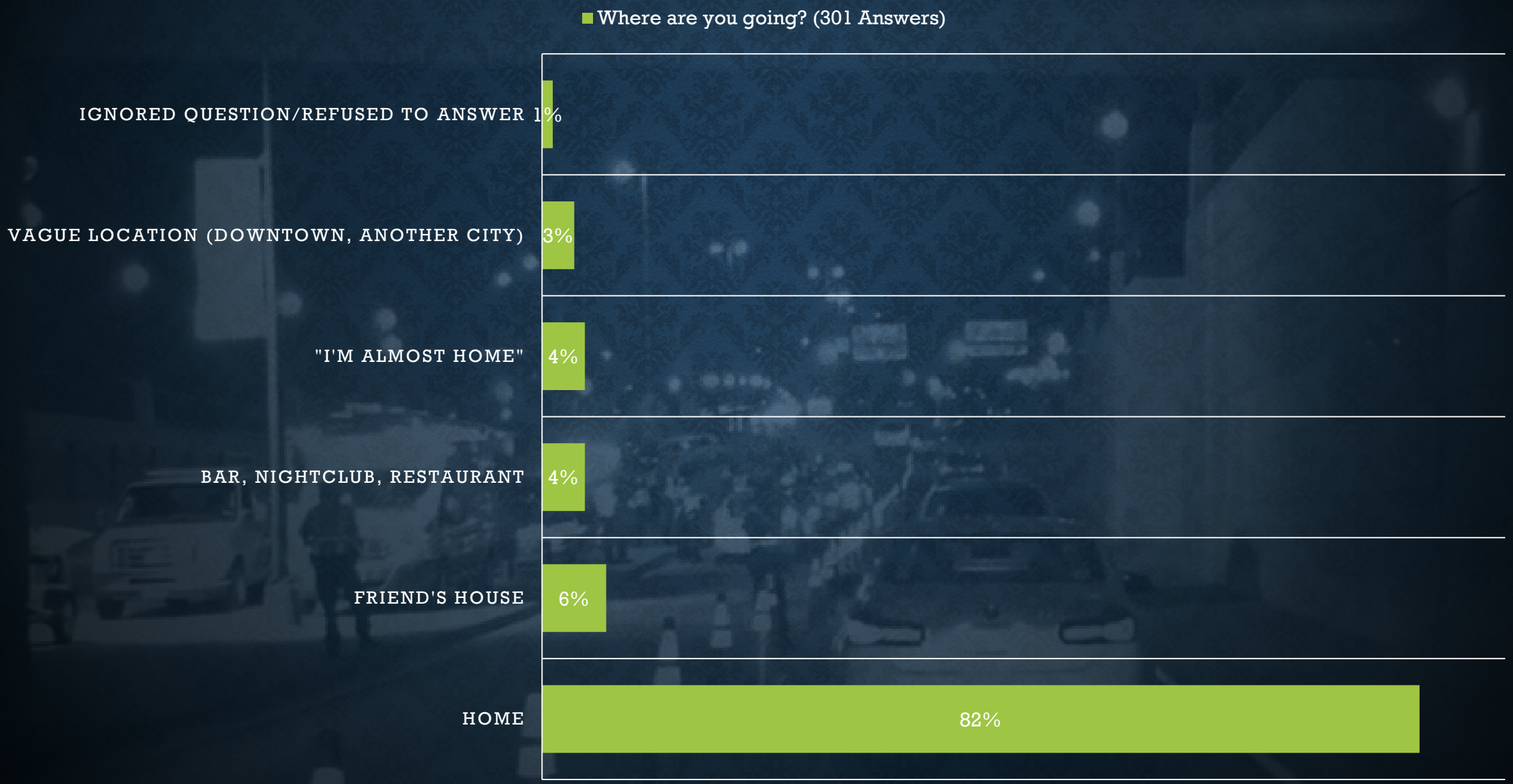


BEFORE QUESTION 1

- Traffic Stop or Crash Investigation
- Introduction
- Reason for stop
  - Driver's explanation
- Ask for License, Registration, Proof of Insurance
- While searching for documents…

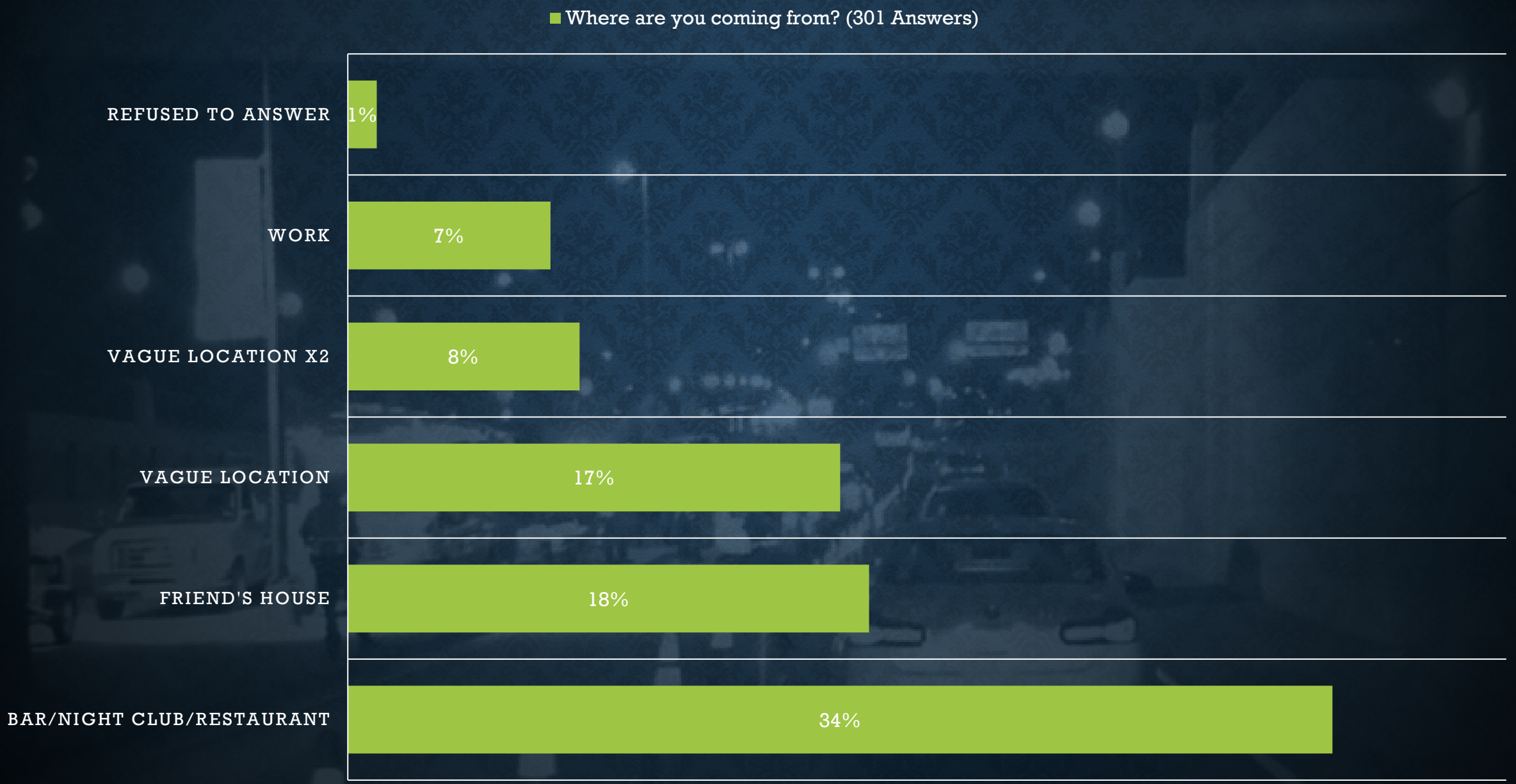

QUESTION 1
WHERE ARE YOU HEADING TO?

WHERE ARE YOU GOING? (305 ANSWERS)



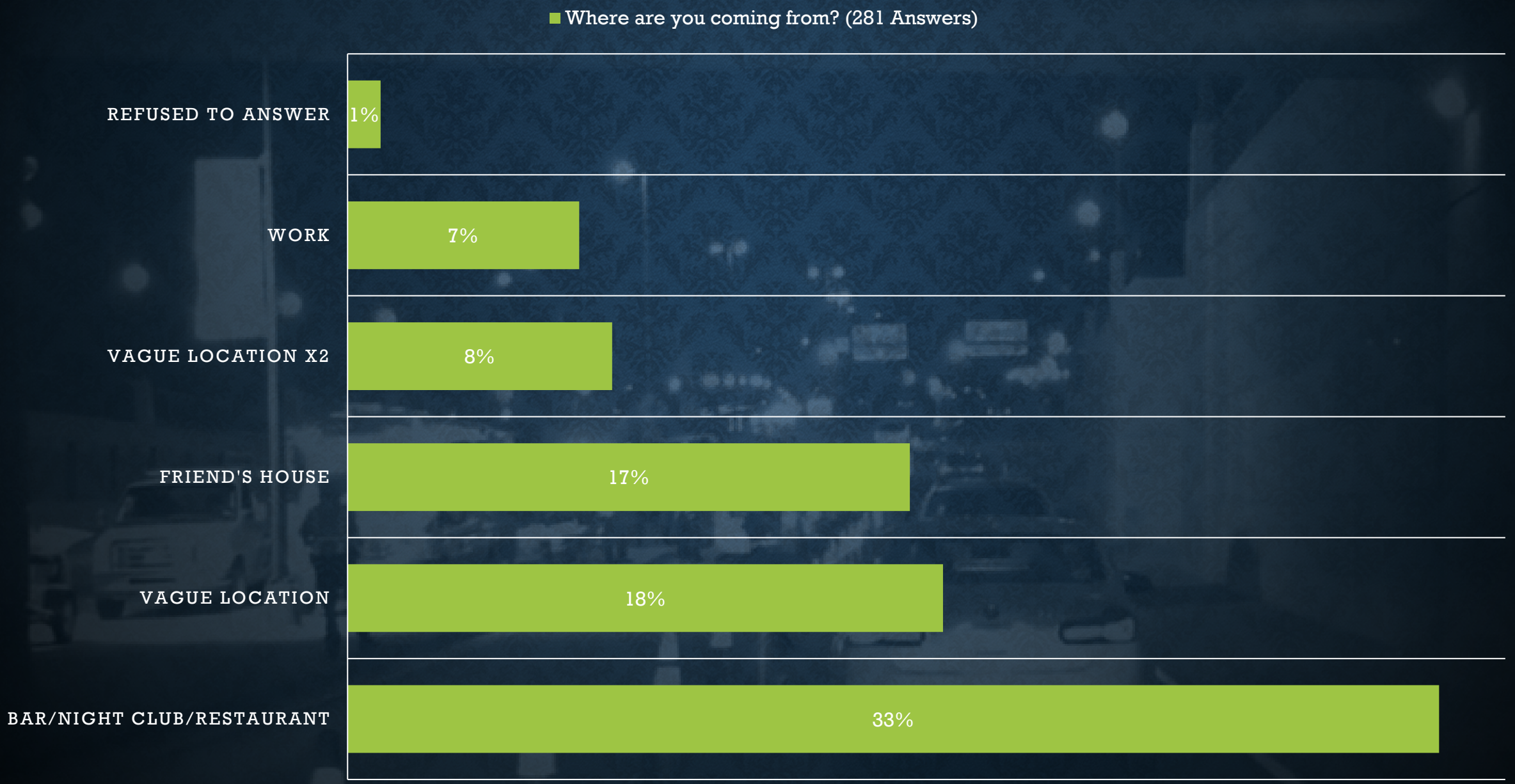
FOLLOW-UP
WHERE ARE YOU COMING FROM?

WHERE ARE YOU COMING FROM? (306 ANSWERS)



Detecting the Impaired Driver in 60 Seconds

WHERE ARE YOU COMING FROM? (281 ANSWERS)



FOCUS OF QUESTION 1

To admit they are coming from somewhere that alcohol would be consumed

QUESTION 2

Have you had anything/How much have you had to drink tonight?

Detecting the Impaired Driver in 60 Seconds

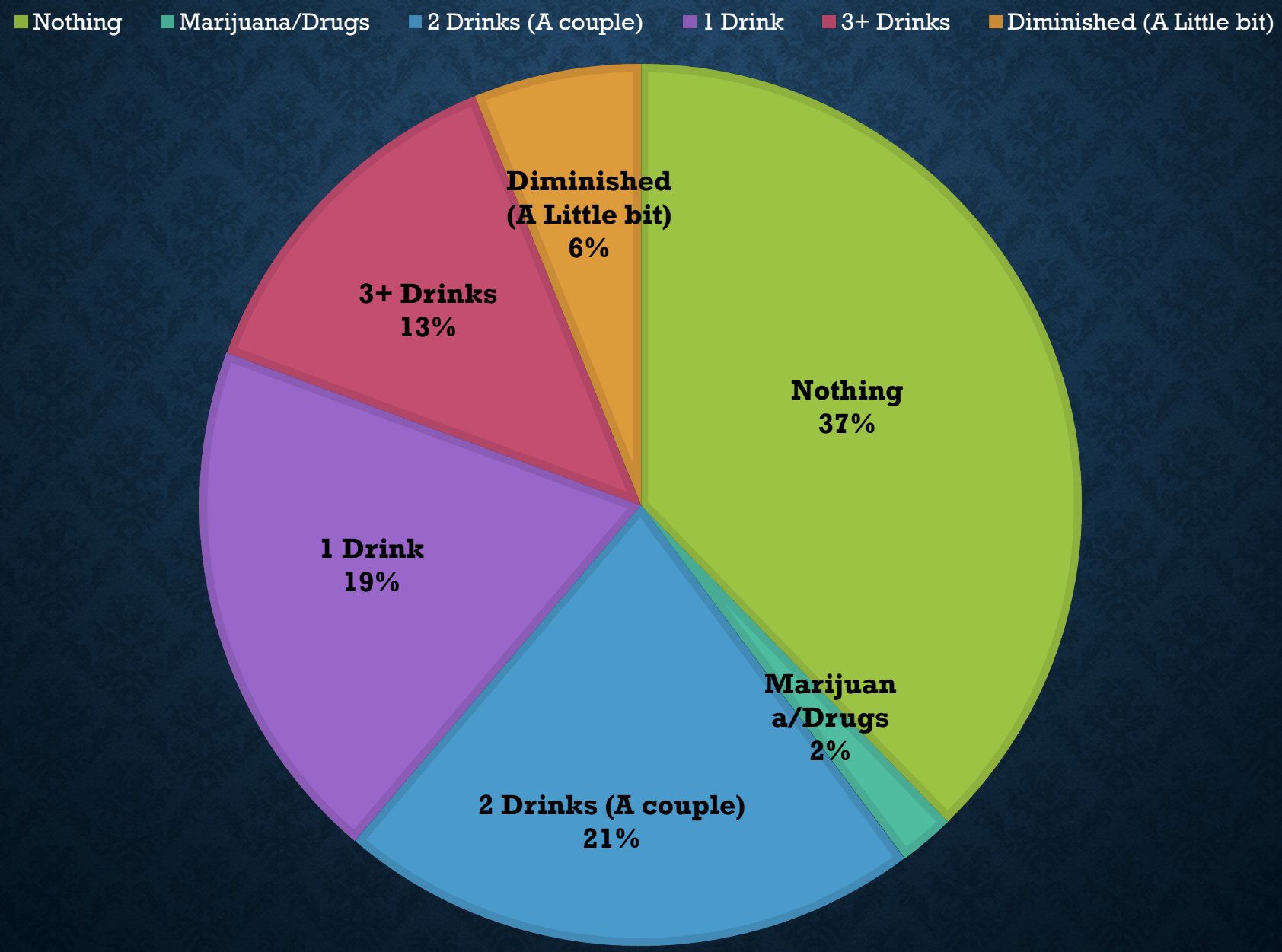
QUESTION 2

Have you had anything to drink tonight?

Does not matter which question.

- Admits drinking
- Denies drinking

ANYTHING TO DRINK TONIGHT? (329 ANSWERS)



QUESTION 2

Have you had anything to drink tonight?

→

Does not matter which question.

- Admits drinking
- Denies drinking

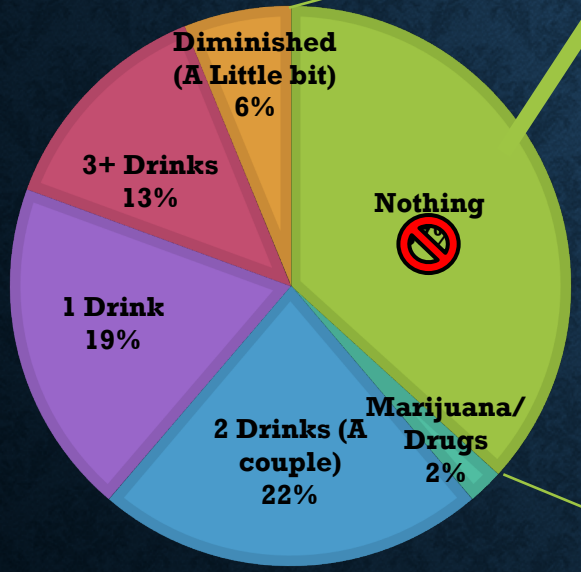
→

When was the last time you had anything to drink?

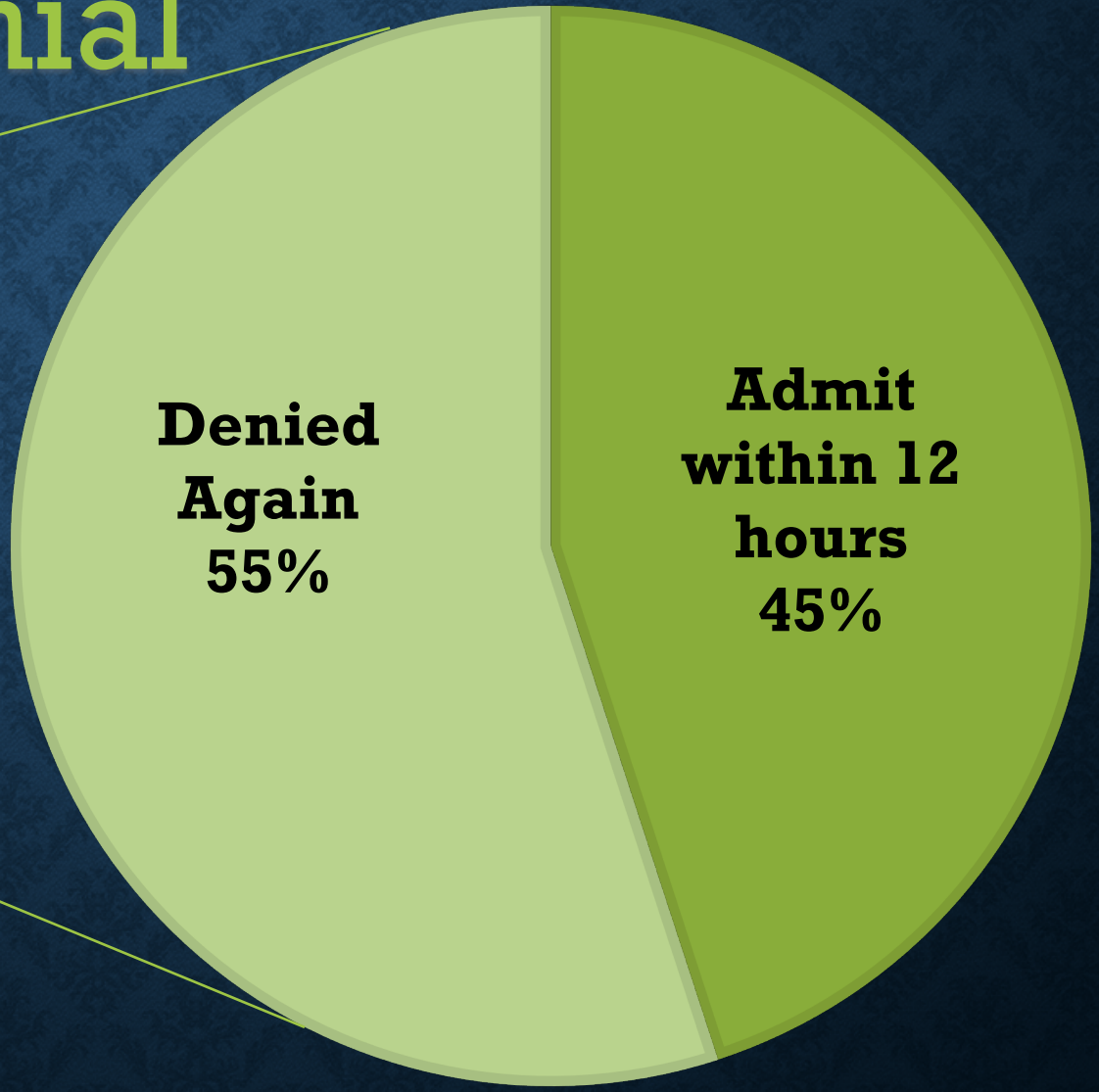
- Recently
- Declines to answer

21% Denial

ANYTHING TO DRINK TONIGHT? (329 ANSWERS)

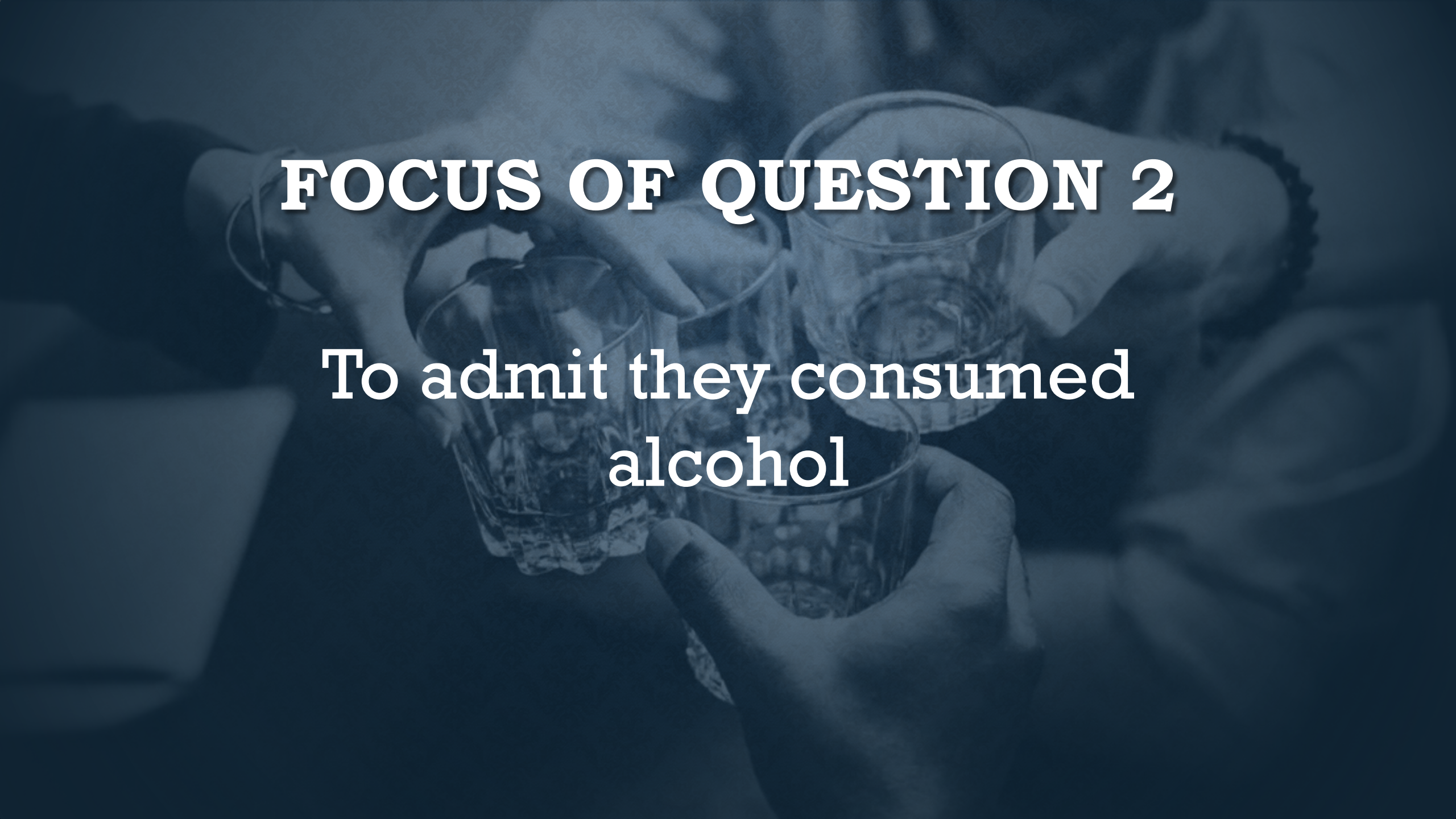


WHEN WAS THE LAST TIME YOU HAD ANYTHING TO DRINK? (177 ANSWERS)



Detecting the Impaired Driver in 60 Seconds

Detecting the Impaired Driver in 60 Seconds

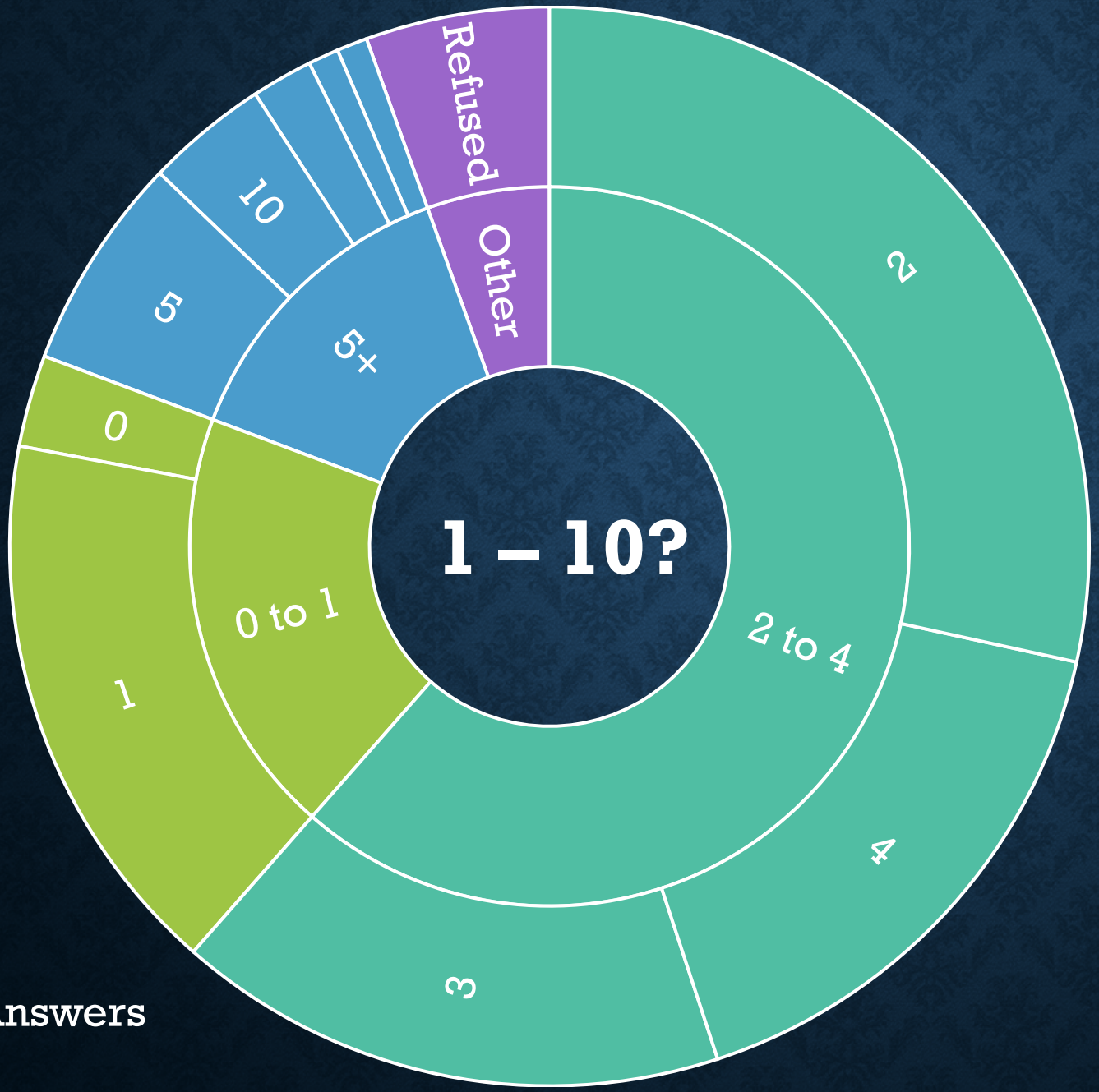


FOCUS OF QUESTION 2

To admit they consumed alcohol

QUESTION 3

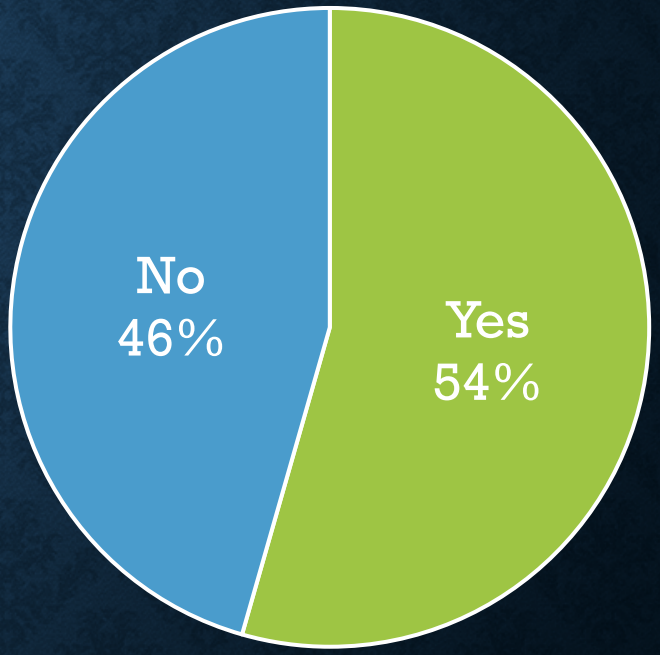
On a scale from 1 – 10, where 1 is not intoxicated and 10 is extremely intoxicated, what number are you at?



150 Answers

"So, you just feel it a little bit?"

Admit to Feeling it?



*(100% "No" Without the setup)

Detecting the Impaired Driver in 60 Seconds

Detecting the Impaired Driver in 60 Seconds

Detecting the Impaired Driver in 60 Seconds

FOCUS OF QUESTION 3

To admit they feel the alcohol

QUESTION 4

Can I check your eyes to make sure you're good to drive?

- "Nystagmus check"
- Advanced technique
- Not part of the basic training
- Not endorsed by IACP or TAP, but has been reviewed
- Has been used for years
- Officer Safety

QUESTION 4

Can I check your eyes to make sure you're good to drive?

- "Tell the subject:
  - to keep head still
  - follow finger with eyes
  - Rotate shoulder towards you if head is turned past 45 degrees
  - Keep head level (ears level with shoulders)
- Move finger to B pillar, hold (min. 4 sec.), then cross to A pillar, hold, back to center
- Looking for the presence of nystagmus

ISSUE HIGHLIGHT

Nystagmus testing in intoxicated individuals

Karl Citek, O.D., Ph.D.,[a] Bret Ball, O.D.,[a] and Dale A. Rutledge, Lieutenant[b]

[a]College of Optometry, Pacific University, Forest Grove, Oregon and [b]the Oregon State Police, Wilsonville, Oregon

GOAL:
TO ESTABLISH THE VALIDITY AND RELIABILITY OF HGN AND VGN IN THE SEATED AND SUPINE POSTURES…

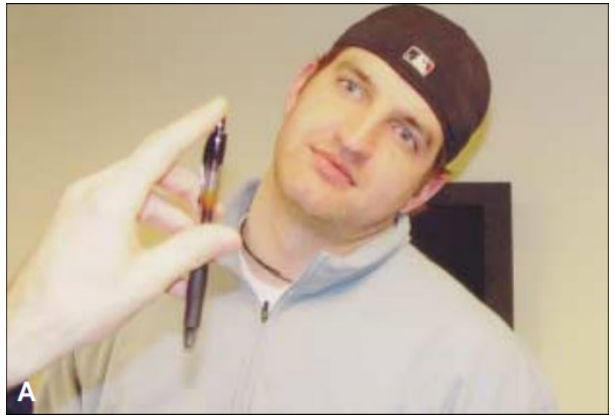
Figure 1 Demonstration of Horizontal Gaze Nystagmus test in seated posture.

In the seated posture, the subject sat in an armless chair or folding chair, with head upright and turned approximately 45 degrees to the side. The evaluator stood to the same side as the subject's turned head, such that the subject always directly faced the evaluator (*see* Figure 1).

SEATED HGN

Positional alcohol nystagmus (PAN)

Officers normally do not assess PAN, but it is mentioned in the training manual as a type of nystagmus of which they must be aware.[4] PAN may be induced in an alcohol-impaired individual when the head is tilted with respect to straight ahead, with the nystagmus present in primary gaze. Previous research has demonstrated that PAN is not induced in a supine posture, when the head is in line with the body.[18] The presence of PAN is easily differentiated from the types of nystagmus expected during the HGN and VGN tests due to the non-upright head position and straight-ahead gaze.



POSITIONAL ALCOHOL NYSTAGMUS (PAN)

Table 3. Sensitivity, false alarm rate, accuracy, and detectability index for HGN data at each test posture at two criterion blood alcohol concentration (0.08% and 0.10%)*

	Posture			
BAC = 0.08%	**Standing**	**Seated**	**Supine**	**McKnight et al.**
Sensitivity	0.890	0.799	0.891	0.75
False alarm rate	0.367	0.285	0.462	0.32
Accuracy	77.3%	76.1%	73.0%	71%
d'	1.568	1.407	1.326	1.15
BAC = 0.10%	**Standing**	**Seated**	**Supine**	**Good and Augsburger**
Sensitivity	0.956	0.887	0.969	0.96
False alarm rate	0.503	0.408	0.561	0.82
Accuracy	64.7%	68.9%	61.3%	90%
d'	1.698	1.442	1.708	0.88

d', Detectability index; ***HGN***, horizontal gaze nystagmus; and ***BAC***, blood alcohol concentration.

* Included for comparison are calculations based on the data recorded by McKnight et al.,29 testing in a seated posture, and Good and Augsburger, 5 testing in a standing posture.

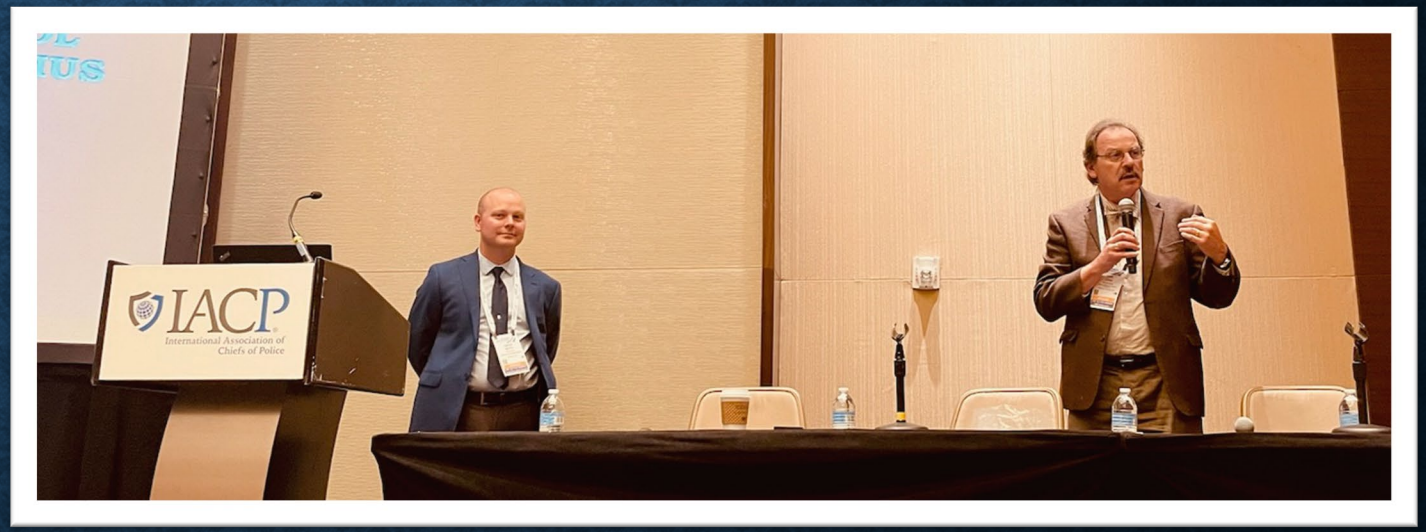
Nystagmus Testing in Intoxicated Individuals:

"We conclude that the proper use of the HGN and VGN tests at any test posture will help an officer correctly identify individuals impaired with alcohol at BACs of 0.08% and higher."

"Results are presented to demonstrate that officers can correctly identify and distinguish PAN from other types of nystagmus."

Figure 1 Demonstration of Horizontal Gaze Nystagmus test in seated posture.

IACP Impaired Driving &
Traffic Safety Conference
AUGUST 16-18, 2024
WASHINGTON, DC
IACP
International Association of
Chiefs of Police


IACP
International Association of
Chiefs of Police

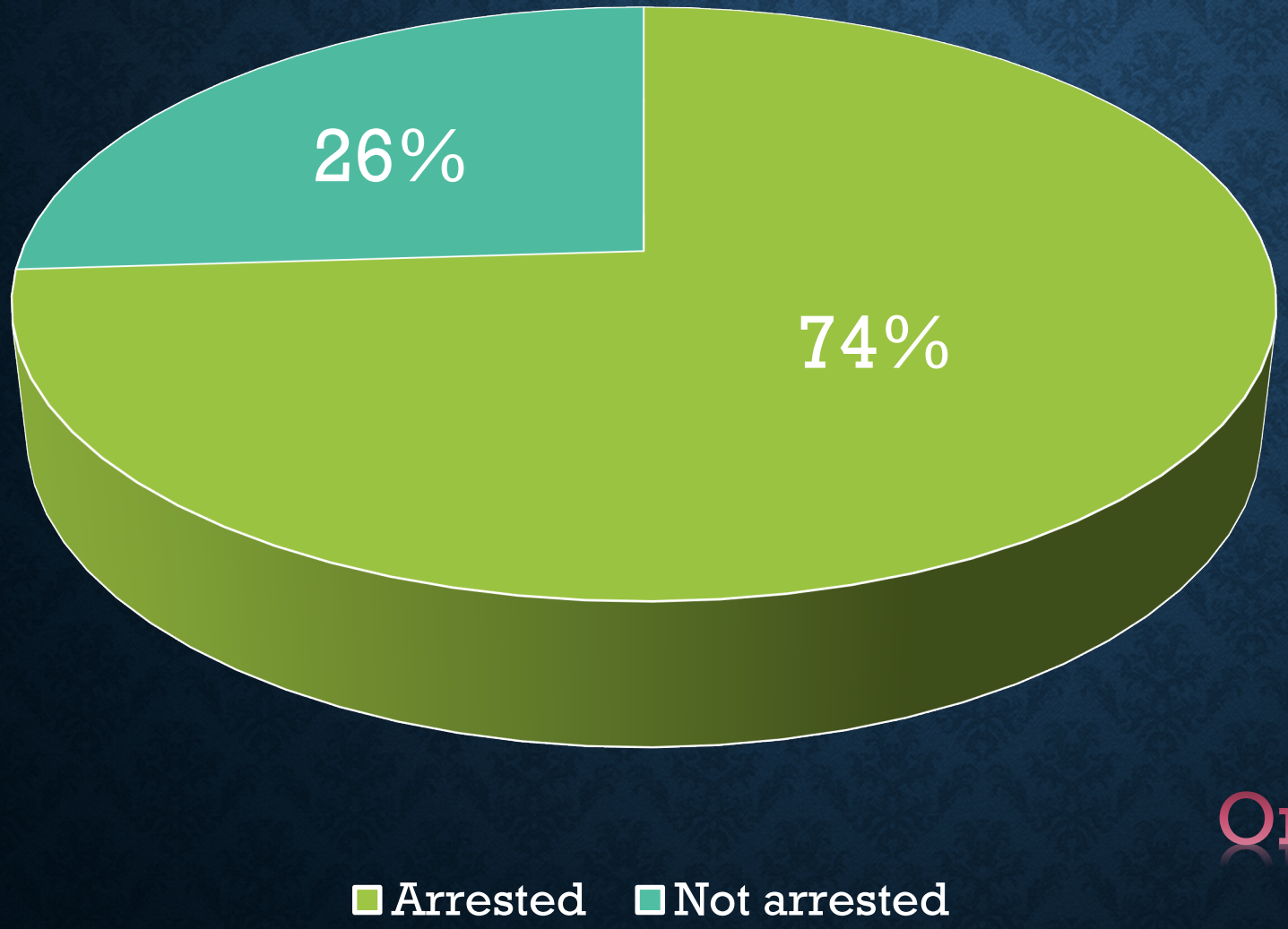
Source:

Citek, K., Ball, B., & Rutledge, D.A. (2003, November). Nystagmus Testing In Intoxicated Individuals. *Optometry, 74*(11), 695-710.

An example of PAN is the spinning of a room when a person lies down after consuming alcohol.

SESSION 8 PAGE 16

Nystagmus Check



<u>235 Administrations</u>

74% Arrested after completing full SFSTs

26% Released after completing full SFSTs

Only 2 not confirmed ETOH

DOCUMENTING QUESTION 4

For the Report

- Don't document clues

- "The Defendant agreed to let me check his eyes to make sure he was good to drive, and I observed the presence of nystagmus."

Detecting the Impaired Driver in 60 Seconds

WHAT ABOUT DRUGS?

- Nystagmus should be observed for the "D I D" drugs

- What about the "School" (S C H) drugs and Narcotic Analgesics?
- - Pupil size observation
- - Bloodshot/watery eyes

- Eyelid Tremors
- - "Look forward, tilt your head back, and close your eyes"
- - Look for the presence of eyelid tremors

FOCUS OF QUESTION 4

To determine if the Impaired Driving Investigation should be continued

PHASE 1 AND PHASE 2 LOG

1	DUI Inv.	CAD	SFSTs?	Primary Violation	Going?	Coming From?	Drink?	Inconsistent?	Last drink?	1 - 10?	Feeling it?	Prelim HGN?	cted b/c	TEST	Type
2	323														
154	10/30/2020	20-645423	Yes	Weaving			2		2 hours ago	2					Refused
155	11/1/2020	20-647479	Yes	Speeding			2		1 hour ago	3				0.18	Blood
156	11/7/2020	20-661448	Yes	Speeding	ETOH Location	Bar	2		20 minutes ago	1		Present		0.138	Blood
157	11/8/2020	20-662979	Yes	Weaving	Hotel		Diminished					Present			Refused
158	11/19/2020	20-681361	Yes	No lights	Home	Work	Nothing		days ago			Present		0.239	Blood
159	11/23/2020	20-688527	Yes	Speeding			Nothing		yesterday			Present		0.172	Blood
160	12/13/2020	20-725103	Yes	Speeding	Home	Event	Nothing					Present		0.189	Blood
161	12/19/2020	20-734638	Yes	Weaving			2					Present			Refused
162	12/31/2020	20-756713	Yes	Speeding	Ignored		Nothing	Yes	3 hours ago			Present		0.208	Blood
163	1/2/2021	21-3765	Yes	Crash			3		3 hours ago	declined		Present		0.23	Blood
164	1/16/2021	21-32596	Yes	Weaving	Work	Home	2		1 hour ago			Present		0.237	Blood
165	1/23/2021	21-46854	Yes	Speeding	Hotel	City	Nothing					Present		0.118	Blood
166	2/6/2021	21-75673	Yes	Weaving	Home		6					Present			Refused
167	2/17/2021	21-97999	Yes	Crash	Home	Friend's House	1		2 hours ago					0.269	Blood
168	2/18/2021	21-98112	Yes	Crash	Home		1		1 hour ago					0.204	Blood
169	2/20/2021	21-102462	Yes	Crash	Home	Bar	3		40 minutes ago	6				0.164	Blood
170	2/26/2021	21-116825	Yes	No lights		Bar	1		30 minutes ago	1		Present		0.125	PBT
171	3/7/2021	21-134382	Yes	Speeding	Home	Friend's House	Nothing	Yes	last night					0.283	Blood
172	3/12/2021	21-144985	Yes	Crash	Home	Bar	3		2 hours ago	3					Refused
173	3/13/2021	21-147298	Yes	Weaving	Home	Vague Location	2		2 hours ago			Present		0.228	Blood
174	3/17/2021	21-154863	Yes	Weaving	ETOH Location	Vague Location	Nothing		Yesterday			Present			Refusal
175	3/18/2021	21-157115	Yes	Weaving	Home	Vague Location x2	Nothing	Yes	A few hours ago	3		Present		0.181	Blood
176	3/19/2021	21-159448	Yes	Speeding	Home	Work	3		2 hours ago	5				0.325	Blood
177	4/2/2021	21-187782	Yes	Weaving	Home	Vague Location	Nothing					Present		Pos	Blood
178	4/9/2021	21-202739	Yes	Speeding	Home		2		2 hours ago	1		Present		0.072	Breath
179	4/10/2021	21-204853	Yes	Weaving	Home	Forgot	6		1 hour ago	6				0.312	Breath
180	4/22/2021	21-227403	Yes	Weaving	Home	Restaurant	1		2 hours ago			Present		0.118	Breath
181	4/24/2021	21-231395	Yes	Driving on RR tracks	Home	Bar	3		1 hour ago					0.181	Breath

DETECTING THE IMPAIRED DRIVER IN 60 SECONDS

Where are you heading tonight?

Where are you coming from?

Could alcohol be obtained there?

Have you had anything to drink tonight?

When is the last time you had anything to drink?

Admit to drinking?

On a scale of 1 to 10, where 1 is not intoxicated and 10 is extremely intoxicated, what number are you at?

So, you just feel it a little bit?

Admit to feeling the effects?

Can I check your eyes to make sure you are OK to drive?

Is nystagmus present?

CASE STUDY

Phase 1

Friday morning

12:20 a.m.

57 mph in a

35-mph zone

Driving towards highway from downtown Denver

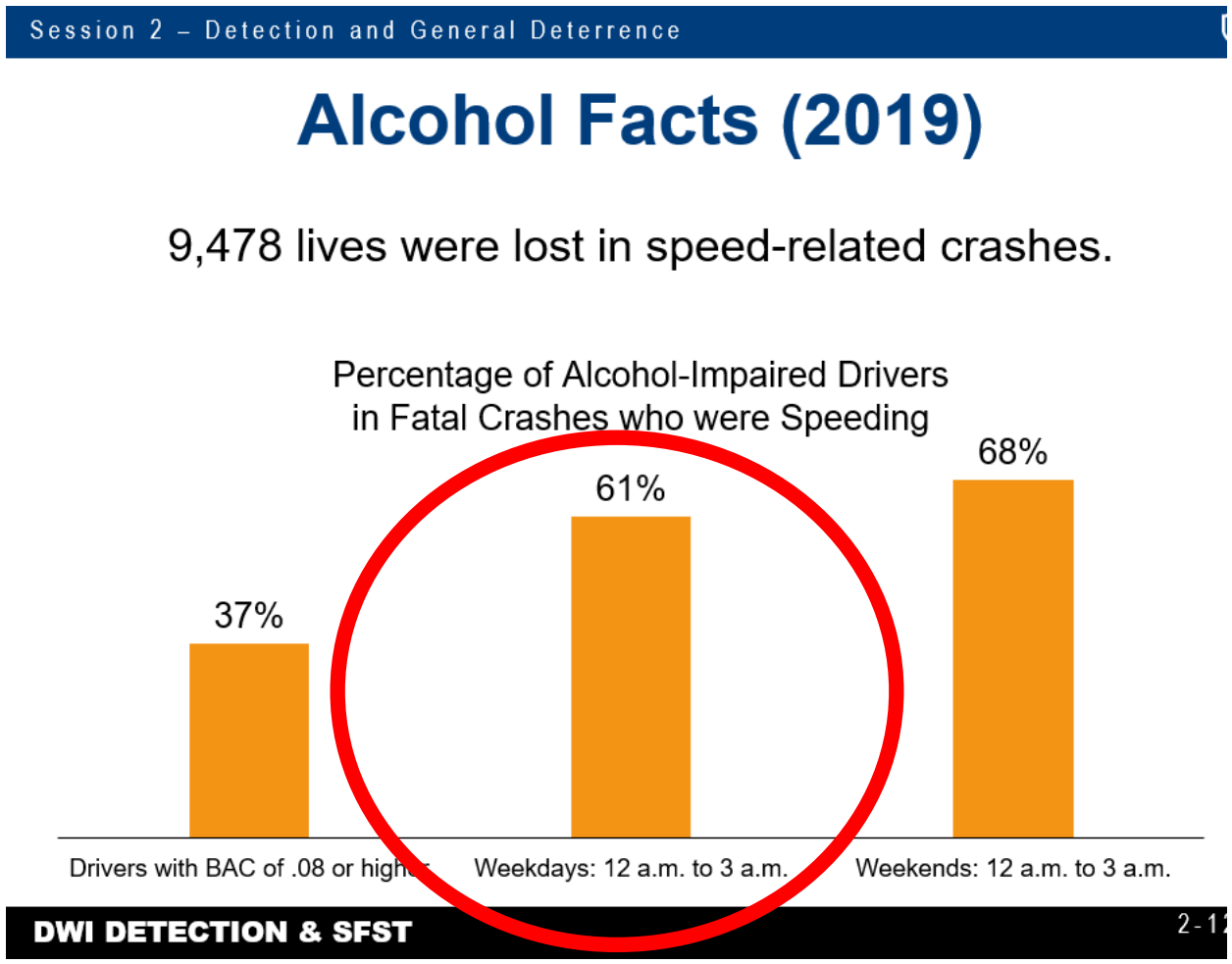
Detecting the Impaired Driver in 60 seconds

CASE STUDY

- **Phase 1:**
  - Friday morning @ 12:20 a.m.
  - 57 mph in a 35-mph zone
  - Driving towards highway from downtown Denver

- **Phase 2:**
  - Speech: Normal
  - Eyes: Bloodshot
  - Odor: Slight odor from car
  - Attitude: Polite & Cooperative
  - Wearing mask
  - Coming from "downtown"
  - Denies drinking tonight

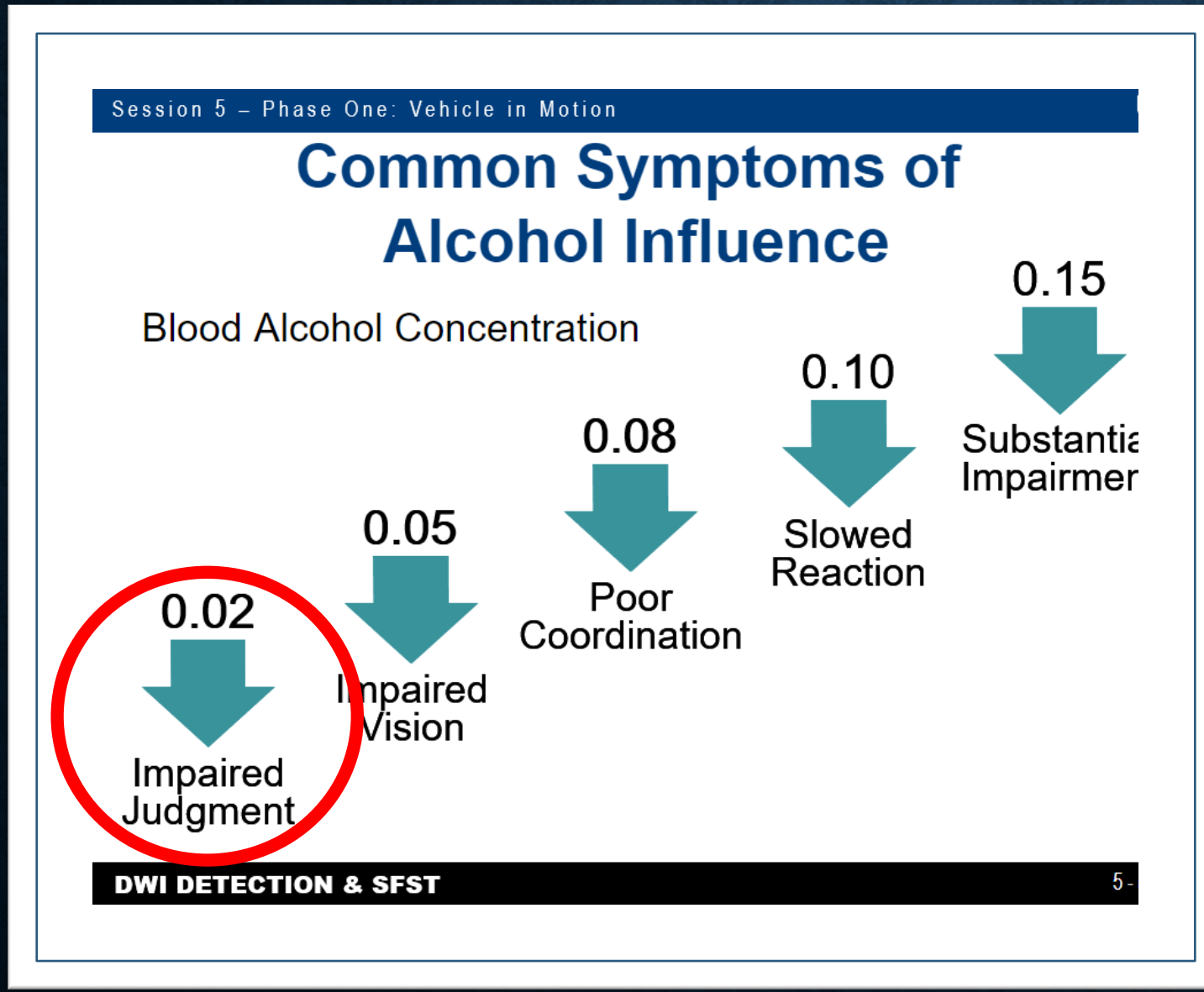
Write ticket and move on?



SPEEDING ON A WEEKDAY BETWEEN 12 A.M. TO 3 A.M.

CASE STUDY

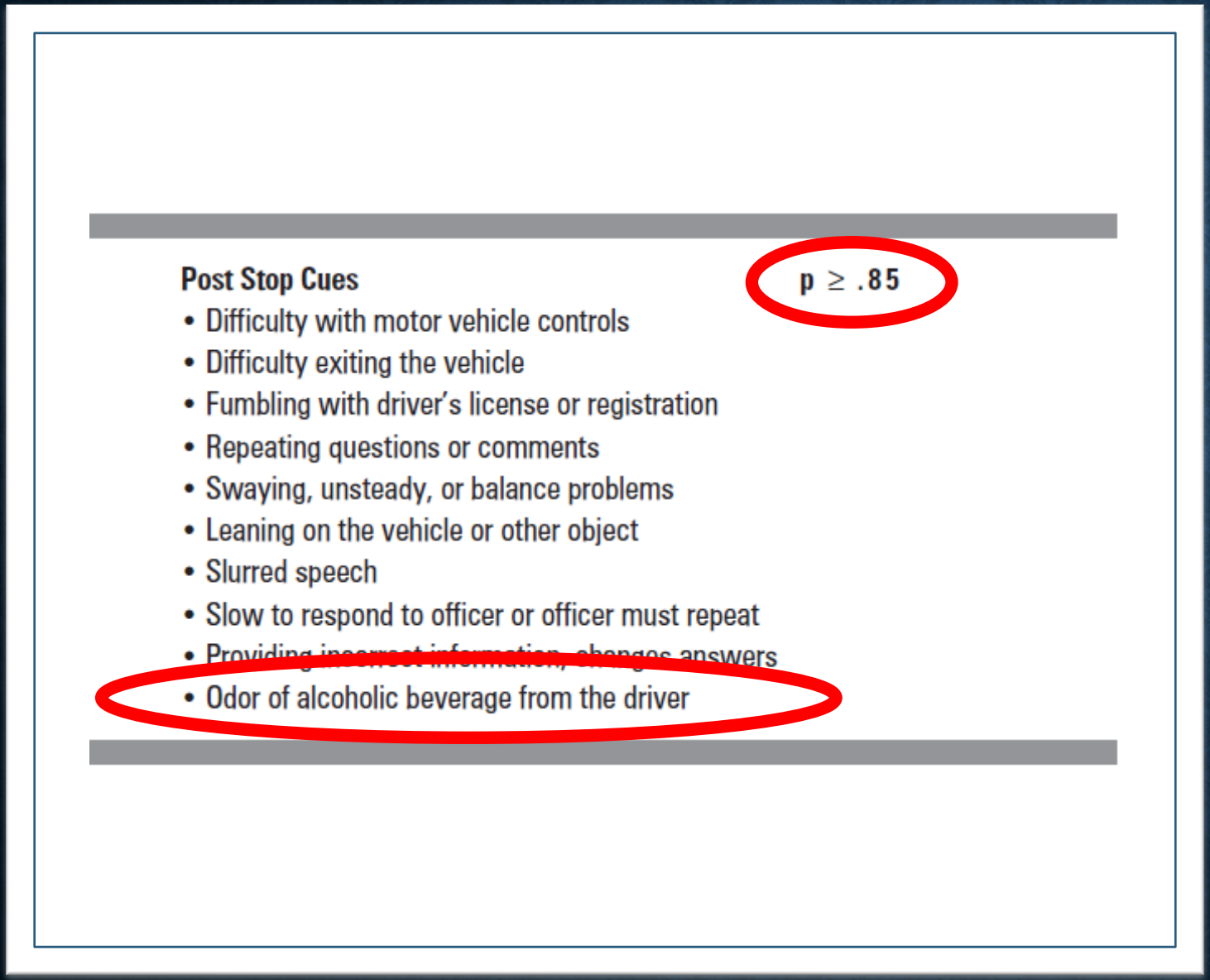
- **Phase 1:**
  - Friday morning @ 12:20 a.m.
  - 57 mph in a 35-mph zone
    - **61% chance above 0.08 BAC**
  - Driving towards highway from downtown Denver



22 MPH OVER THE SPEED LIMIT

CASE STUDY

- **Phase 1:**
  - Friday morning @ 12:20 a.m.
  - 57 mph in a 35-mph zone
    - **61% chance above 0.08 BAC**
    - **Impaired Judgement = bad driving**
  - Driving towards highway from downtown Denver



ODOR OF ALCOHOLIC BEVERAGE FROM THE DRIVER

CASE STUDY

- **Phase 1:**
  - Friday morning @ 12:20 a.m.
  - 57 mph in a 35-mph zone
    - **61% chance above 0.08 BAC**
    - **Impaired Judgement = bad driving**
  - Driving towards highway from downtown Denver

- **Phase 2:**
  - Speech: Normal
  - Eyes: Bloodshot
  - Odor: Slight odor from car
    - **>85% chance above 0.08 BAC**
  - Attitude: Polite & Cooperative
  - Wearing mask
  - Coming from "downtown"
  - Denies drinking tonight

Detecting the Impaired Driver in 60 seconds

CASE STUDY

Phase 1:
- Friday morning @ 12:20 a.m.
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  - **61% chance above 0.08 BAC**
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- Speech: Normal
- Eyes: Bloodshot
- Odor: Slight odor from car
  - **>85% chance above 0.08 BAC**
- Attitude: Polite & Cooperative

"Enhanced" Phase 2:
- **Coming from a bar** after 2 Vague Locations
- Admitted to **1 shot of vodka 20 minutes prior** after denying drinking
- A "2" on a 1-10 scale
- **Nystagmus present**

2021-07-09 T06:28:50Z
AXON BODY 2 X81239805

CASE STUDY

Phase 1:
- Friday morning @ 12:20 a.m.
- 57 mph in a 35-mph zone
  - **61% chance above 0.08 BAC**
  - **Impaired Judgement = bad driving**

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- Speech: Normal
- Eyes: Bloodshot
- Odor: Slight odor from car
  - **>85% chance above 0.08 BAC**
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"Enhanced" Phase 2:
- **Coming from a bar** after 2 Vague Locations
- Admitted to **1 shot of vodka 20 minutes prior** after denying drinking
- A "**2**" on a 1-10 scale
- **HGN present**

Phase 3:
- HGN: **4/6 clues (88%)**
- WAT: **2/8 clues (79%)**
  - *Missed heel-to-toe on step 2 of 1st 9 and step 4 of 2nd 9 steps*
  - *Improper Turn by taking only one step to turn around lead foot*
- OLS: 0/4 clues
  - *Counted to 1025 in 30 seconds*
- Refused PBT

CASE STUDY

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BAC on the way up?

What's his BAC?

CASE STUDY

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- OLS: 0/4 clues
  - *Counted to 1025 in 30 seconds*
- Refused PBT

Chemical Test:
Breath Test = 0.102 g/210L
53 minutes after stop

No data on people that were released.

- 583 Enforcement SFSTs
  - 496 were arrested
  - 85% arrest rate

DENVER
POLICE
ALL-STAR GAME
COLORADO
JULY 13
HOME PLATE
HOME PLATE
Frontier Fire
FIRE SAFETY SYSTEMS | 303-629-0221
CHEVROLET
SUBURBAN

CPL. AARON BOTTS

DENVER POLICE DEPARTMENT
DUI/DRE ENFORCEMENT UNIT

AARON.BOTTS@DENVERGOV.ORG