

OVI/SFST Refresher

Cleveland Division of Police



Course Date: [2025]

Current Revision Date: [September 17, 2024]

Course Hours: 8 hours

Primary Audience: C.D.P. Officers

Module Goal: *To update the Cleveland Division of Police O.V.I. Enforcement and a refresher for C.D.P. personnel in Administering NHTSA's S.F.S.T.*

SUBJECT MATTER EXPERT COMMITTEE

Charles Moten, Patrol Officer Cleveland Division of Police –Accident Investigation unit

Charles Lipscomb, Patrol Officer Cleveland Division of Police, Traffic Unit

Curriculum Coordinator: Christopher Daley, Academy Instructor

REFERENCES

DWI Detection and Standardized Field Sobriety Testing Refresher Course,
Instructor Guide (February 2023 Curriculum), NHTSA

Cleveland Division of Police O.V.I. Enforcement Manual

Cleveland Division of Police O.V.I. Field Notes sheet

Ohio BMV 2255 (Revised April 2023)

Cleveland Division of Police GPO 8.2.04 – Sobriety Checkpoints

O.V.I. Interdiction Handbook, Ohio Department of Safety

COURSE MATERIALS

TEACHING AIDS

☒ Erasable Board/Markers

☐ Easel/Notepads

☐ Lectern/Table

☐ Other:

☒ Student Handouts

Handout #1: **Field Note Sheet**

Handout #2: **BMV2255**

INSTRUCTIONAL TECHNIQUES

☒ Lecture

☒ Group Discussion

☐ Demonstration

☐ Scenario-based Training

☐ Individual Exercise

☒ Hands-on Techniques

☒ Problem-Solving

LEARNING OBJECTIVES

At the end of this topic, the student will be able to:

1. Identify when an O.V.I. vehicle is to be seized.
2. Identify when a blood test is to be used.
3. Identify how long an officer must monitor an O.V.I. violator before administering the breath test.
4. Identify the time limit an officer has to administer a chemical test if a subject agrees.
5. Select the correct system so that all toxicology evidence must be pre-logged before being taken to the lab.
6. Identify the Cleveland Codified Ordinance Officers shall cite in all O.V.I. cases.
7. Identify the goal of using the Field Base Reporting system for O.V.I. arrest.
8. Pass the NHTSA/IACP Proficiency Examination with a minimum passing grade of 80%.
9. Demonstrate the Horizontal Gaze Nystagmus Test (H.G.N.)
10. Demonstrate the Walk and Turn Test (W.A.T.)
11. Demonstrate the One Leg Stand Test (O.L.S.)

Class Size Considerations

This course is a highly interactive learning experience. Participants need ample opportunities to practice applying their learning skills (e.g., observing, testifying, reporting, and administering the S.F.S.T.s). They also need individual attention during practice sessions.

The recommended maximum class size is 24 participants. At least two instructors should teach the classroom portion of the S.F.S.T. curriculum. Each instructor should be proficient in administering and interpreting the S.F.S.T.s and fully conversant with the S.F.S.T. curriculum.

INSTRUCTOR NOTES

1. Small Groups

- a. All small group discussions will be conducted in the same manner.
 - b. Divide the class into groups of 4-8 officers and have them work together to complete the assigned exercise.
 - c. Each group discussion will have a time block specific to that discussion.
 - d. Time blocks are listed in the instructor's column of this lesson plan.
 - e. Each group will be provided markers, an easel, and easel paper to write their answers.
 - f. Each group will select a person to speak for the group.
 - g. Ensure that a new person speaks for the group with each exercise
 - h. After completing their small group discussion and listing their answers on the easel paper, have them display it on the easel for the large group discussion.
 - i. Bring everyone back together as a large group. Have each group share their answers and facilitate a large group discussion with the entire class.
 - j. If students' answers are correct, express that they did a great job, quickly show the PowerPoint with the answer, and move on.
 - k. If students' answers are incorrect or partially correct, spend time explaining the correct answers and ensuring they understand why they answered the way they did and provided the correct answer.
2. Group Exercises—the group exercises box, located throughout the lesson plan, will contain detailed information about each exercise.
3. References – Information will also be located in the instructor note column.

PREPARATION

I Introduction A. Instructor – Welcome everyone to the training B. The instructor will introduce themselves: 1. Provide their law enforcement experience 2. Experience with topic 3. Any other pertinent information to build instructor credibility C. Ensure 1. Everyone has signed in 2. Turns off or place their cell phone on silent D. Remind all students that 1. Class participation is mandatory 2. Those who don't participate will be sent back to their command 3. To respect everyone's opinions E. Course Introduction 1. Explain: It is imperative that our officers conduct a thorough investigation and document all O.V.I. evidence. 2. Explain: why the course is important to them. a. In 2019, there were 1,041 fatal crashes in Ohio. 351, or 30.4%, were alcohol-related. b. Impaired driving is a danger to all of our citizens and the devastating effect it can have on the lives of its victims and their families c. It is essential that an officer knows how to conduct O.V.I. investigations properly.	Intro – PPT #1 List S.P.O. – PPT#2
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d. If not, it could result in 1. An offender going free 2. Officers looking incompetent in court 3. This will take away from the community bank account because the offender goes free, and the community will lack confidence in our officers. e. This training is essential because it will provide the officers f. The knowledge and skill to confidently conduct O.V.I. enforcement. g. The knowledge and skill to confidently testify in court for O.V.I. cases. h. Officers arresting persons for O.V.I.-related offenses will record all information in the field-based reporting (FBR). i. This will allow prosecutors to have advanced information about O.V.I. arrests previously unavailable. j. A new O.V.I. Investigation Field Note Sheet has been created to help officers record O.V.I. evidence on the scene. k. This sheet will allow officers to record their on-scene observations and will become part of the FBR Report. l. A new O.V.I. Investigation Envelope has been created 1. It has all the forms needed with direction 2. Directions for each form are on the envelope 3. All paperwork will be placed in it and delivered directly to the Court Sergeant. m. Explain: All of these things were done to make it easier for the officer in the field.	
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I. Student Performance Objectives

B. At the end of this topic, the student will be able to:

1. Identify when an O.V.I. vehicle is to be seized.
2. Identify when a blood test is to be used.
3. Identify how long an officer must monitor an O.V.I. violator before administering the breath test.
4. Identify the time limit an officer has to administer a chemical test if a subject agrees.
5. Select the correct system that all toxicology evidence must be pre-logged into before taking to the lab.
6. Identify the Cleveland Codified Ordinance officers shall cite in all O.V.I. cases.
7. Identify the goal of using the Field Base Reporting system for O.V.I. arrest.
8. Demonstrate the Horizontal Gaze Nystagmus Test (H.G.N.)
9. Demonstrate the Walk and Turn Test (W.A.T.)
10. Demonstrate the One Leg Stand Test (O.L.S.)

LESSON PLAN

I. Administer the D.W.I. Detection and Standardized Field Sobriety Testing Refresher Course Pre-Test

This exam will be used to compare with the post-test to see if learning occurred

II. Presentation of NHTSA 2023 D.W.I. Detection and Standardized Field Sobriety Testing Refresher Course.

2023 NHTSA refresher training Instructor Guide

III. Administer the D.W.I. Detection and Standardized Field Sobriety Testing Refresher Course Post-Test

Explain: They have completed the NHTSA Standardized Field Sobriety Testing Refresher training. The remainder of their training is specific to the C.D.P. and is based on C.D.P. policy.

I. Processing the Impaired Driver

A. The arrest decision must be based on the totality of the circumstances, including a combination of probable cause, reasonable suspicion, and an officer's observations.

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B. The Standardized Field Sobriety Tests are good indicators of impairment.

C. Once roadside tests are completed and the suspect is arrested, officers must begin processing the O.V.I.OVI-related paperwork.

D. The following guide has been developed to assist officers in the timely processing the arrested person.

E. O.V.I. Field Notes Sheet

1. The Cleveland Division of Police O.V.I. Field Notes sheet is designed to allow officers to document their initial observations of the vehicle in motion, personal contact with the driver, and evaluation of the driver during the S.F.S.T.s.

Handout #1 (Field Note Sheet) Review with the class and answer any questions

2. The field note sheet will become part of the FBR report. Officers should take sufficient notes to document all observations and evidence during the O.V.I. arrest process.

F. Vehicle Tow Supplement

1. The Vehicle Tow Supplement shall be completed for all vehicles towed in connection with OVI-related incidents.
2. It is recommended that officers tow vehicles in connection with an arrest.
3. Depending on the circumstances, the vehicle could be subject to immobilization, seizure, or forfeiture.
4. **Seizure of the vehicle: If the violator has one or two O.V.I. convictions within the last six years and is the owner, the vehicle shall be towed for an O.V.I. seizure.**
5. Forfeiture of the Vehicle: If the violator has three or more O.V.I. convictions within the last six years and is the owner, the vehicle shall be towed for O.V.I. forfeiture.
6. The Tow Channel (Channel 7) must be advised of the hold, and a notation must be made on the tow sheet.
7. If the violator does not have any O.V.I. convictions, the violator's vehicle may be towed, but do not place a hold on the vehicle.

SPO #1

G. Pre-Booking Sheet

1. The Division of Police FBR Pre-Booking sheet is to be used.
2. Officers will transport the arrested person to the Cuyahoga County jail.
3. Officers should be alert to arrested persons who exhibit signs of a high level of intoxication by alcohol and or drugs and should seek medical assistance if necessary.

H. Administrative License Suspension Form BMV2255

1. Officers must read and show the advice on the BMV225 form to all persons arrested for OVI-related offenses.
2. Instructions on how to fill out the form are attached to the front of each form.
3. Officers are reminded to complete the form and ensure accuracy before mailing it to the B.M.V.
4. Please refer to the following for clarification.
5. Section A:
 - a. "Place of Test"
 - b. is where the chemical test was administered
6. Section B:
 - a. "Reasonable grounds for O.V.I./Physical Control Arrest before the test" –You must indicate your probable cause for the arrest in the space indicated.
 - b. An Example is a Stop Sign Violation, the odor of an alcoholic beverage on the breath, and impairment indicated during the Walk and Turn Test.
 - c. **Do not** write "Results Pending" in section B or anywhere else on the form.
 - d. If you are waiting for the results of a urine or blood test, then you must hold the form and not forward it to the B.M.V.
 - e. Once results are available, you may complete the form and forward it.
7. Section C:
 - a. Vehicle sanctions must be indicated in this section.
 - b. To ascertain if a vehicle is to be seized,

**Handout #2
BMV2255**

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officers will follow these guidelines:

- c. The arresting officer shall seize the vehicle that the O.V.I. offender was operating at the time of arrest and
- d. Its license plates if the vehicle is registered to the O.V.I. offender if either of the following applies:
 - i. The O.V.I. offender is arrested for O.V.I., and within six years of the alleged violation, the O.V.I. offender has previously been convicted of one or more O.V.I. offenses or
 - ii. The O.V.I. offender is arrested for O.V.I., and the O.V.I. offender was previously convicted of a felony O.V.I. offense, regardless of when the felony conviction occurred.
- e. At the time of the seizure of the vehicle, the officer who made the arrest shall give the arrested person written notice that the vehicle and its license plates have been seized;
- f. That the vehicle will be kept by the officer's law enforcement agency at least until the operator's initial appearance on the charge of the offense for which the arrest was made;
- g. That, at the initial appearance, the court, in certain circumstances, may order that the vehicle and license plates be released to the arrested person until the disposition of that charge and
- h. If the arrested person is convicted of that charge, the court generally must order the immobilization of the vehicle and the impoundment of its license plates or the forfeiture of the vehicle.

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8. Section D:

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- a. Officers shall complete Section D if the offender was operating a commercial vehicle.
 - b. In all cases, the "Consequences of Test and Refusal-Out-of-Service" section must be read to the offender.
 - c. In the event the offender refuses the test(s), you must notify them that they are being placed out of service for 24 hours;
 - d. They will be disqualified for operating a commercial motor vehicle for a period of not less than one year;
 - e. They will be required to surrender their commercial driver's license to you.
 - f. Check the corresponding box.
 - g. Suppose the offender refuses to submit to a test or submits to a test that discloses a prohibited amount of alcohol or a controlled substance. In that case, their license is subject to disqualification.
 - h. Check the corresponding box.
 - i. The offender's commercial driver's license shall be seized and forwarded with the BMV2255 to the B.M.V.
 - j. Check the corresponding box.
9. Section E:
- a. After the advice on the back of the BMV2255 is read to the offender and a copy provided, officers will attempt to have the offender acknowledge this by signing section E.
 - b. If the offender refuses, check the corresponding box.
 - c. **Do not** write refused in the signature area or on the form.

10. Section F:

- a. The N.C.I.C. # for the Cleveland Division of Police is **C.L.P. 0**
- b. When entering the arresting officer's business address, you must provide the address of the district or unit of your assignment.
- c. After the arresting officer places his/her signature at the top of Section F, he/she must sign the BMV2255 in the presence of a Notary. The Notary is available at the Clerk of Courts.
- d. The Notary must complete the remaining portion and include their seal and date.
- e. Copies should be distributed as follows. Explain: "This will be reviewed in the Paperwork Distribution section":
- f. White: B.M.V. (use 2257 Envelope), include driver's license
- g. Canary - Law Enforcement
- h. Pink - Court
- i. Goldenrod - Offender

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II. Breath Test Processing

- A. Explain to the class that the breath test is the primary method of determining alcohol concentration.
- B. However, officers shall use one of the following alternative methods if a breath test cannot be administered (other than for a refusal).
 - 1. Urine
 - a. Shall be used when breath test equipment is unavailable or if drug use is suspected.
 - b. Specimen containers and transport bags are

with the district's O.I.C.s.

2. Blood

- a. **This method should only be used when breath and urine tests are unavailable or when medical treatment will likely last more than two hours.**
- b. If violators are dead, unconscious, or otherwise incapable of refusing, they are deemed not to have withdrawn consent; therefore, a blood sample may be obtained.

SPO#2

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C. Intoxilyzer 8000

1. The Intoxilyzer 8000 (I-8000) is the primary breath-testing device of the Cleveland Division of Police.
2. The Intoxilyzer 8000 is located at Public Safety Central in the Traffic Unit.
3. Only certified operators may use these devices.
4. **Remind officers that they SHALL monitor the O.V.I. violator for twenty minutes before administering the breath test.**
5. Officers cannot allow the violator to put anything into their mouth, including food, beverages, mints, gum, cigarettes, etc., prior to the test and during the observation time.
6. Officers will document the start and end of the observation time on the appropriate breath testing forms.

SPO#3

D. Explain to officers that in all cases where a chemical test is requested, the arresting officer should inform the offender that he or she has the right to conduct an independent chemical test at the offender's own expense.

E. Timing

1. Officers are required to read the Advice Warnings the person **must** consent to the chemical test or tests within **two hours** of the time of the alleged

violation,

2. If the person does not consent to the test or tests within that two-hour time limit, the failure to consent automatically constitutes a refusal to submit to the test or tests.
3. If the subject agrees to the chemical test, the arresting officer has **three hours** from the time of the alleged violation **to obtain** the blood, breath, or urine sample.
4. Any test results obtained outside the time limits can be used to support an O.V.I. charge with expert testimony.
5. The certified Breath Testing officer will complete and sign all related Breath Testing paperwork, which will then be given to the arresting officer(s).

F. The Cleveland Division of Police currently uses the assistance of other agencies to conduct breath testing for O.V.I. arrests: Bratenahl, C.S.U., O.S.P., Shaker Hts., Fairview, Lakewood, Lindale.

III. Urine Evidence Collection Procedure

A. Safety

1. Officers shall provide a reasonably private area, such as a bathroom, for the suspect to submit his/her urine sample.
2. Officer safety and suspect control are paramount and shall be the officer's primary focus.

B. Officers shall use the urine specimen tube, biohazard bag, exam gloves, and tamper-evident tape when collecting urine samples from an O.V.I. suspect.

C. Officers shall complete the white section with the suspect's name, collection date and time, location of the violation/accident, officer's initials, and badge number.

D. The officer shall mark the tamper-evident tape with the officer's initials and badge number.

E. The tamper-evident tape shall be placed over the tightened

SPO#4

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**Examples will be
shown in class.**

cap so as not to obscure the incident information on the specimen tube.

- F. **All toxicology evidence submitted during regular and nonworking work hours must be pre-logged into iPortal before being brought to the laboratory.** A printed or electronic 'Evidence List' from iPortal must be presented with evidence.

1. All toxicology specimens must be appropriately identified, packaged, and sealed. Cuyahoga County Regional Forensic Science Laboratory (C.C.R.F.S.L.) will not accept improperly packaged specimens.
2. All blood and urine containers shall be sealed in a manner that tampering can be detected and have a label that contains at least the following Information:
 - a. Name of the individual whose sample is being submitted
 - b. Date and time of collection, Name or initials of the person collecting the sample
 - c. Name or initials of the person sealing the sample
3. To be accepted for testing, specimens must meet the minimum criteria above, and the submitting agency is contacted to retrieve the submission(s).

IV. **Submission of Urine Evidence:**

- A. All urine and blood evidence collected in connection with arrests for Operating a Vehicle while under the Influence (O.V.I.) shall be transported to the (C.C.R.F.S.L.) for analysis.
- B. As of 1/2/24, they only accept evidence from 0700 to 1700, and all evidence must be kept in the evidence refrigerator at their respective districts (DN-23-372).
- C. Officers transporting evidence to be submitted to C.C.R.F.S.L. for analysis shall enter the ambulance entry, where the receiving agent can view and record the officer's presence via a security camera.

SPO#5

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- D. Upon the police vehicle being admitted into the secured area, the officer shall check-in and transfer the O.V.I. evidence to the receiving agent.
- E. Please let the students know that blood and urine results from the hospital can be subpoenaed, or a search warrant can be issued.

V. Uniform Traffic Citation (U
.T.T.)

- A. A.L.S. suspension - filled out the U.T.T. completely, and officers will set the court date for five days from the date of arrest
- B. In addition to the established procedures related to the U.T.T., members shall:
 - 1. Strike out the word "Crash" in the Crash Report Number section.
 - 2. Write the complete R.M.S. report number in the "Crash Report Number:" section.
 - 3. Include the complete R.M.S. report title in the remarks section.
- C. In all cases, **officers shall cite for 433.01a1:** (a) No person shall operate any vehicle within this City if, at the time of operation, any of the following apply:
 - 1. The person is under the influence of alcohol, a drug of abuse, or a combination of them unless they are being arrested for a Felony O.V.I.
 - 2. Officers shall additionally cite any chemical evidence that is found to be above the "per se" level, .08.
 - 3. Set court dates within five days from the date of issuance.
 - 4. Depending on the violator's age, the test type, and the results, violators shall be cited for additional charges as listed below.

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SPO#6

**Felony O.V.I. will
be discussed later
in the lesson plan.**

5. Because the urine and blood test results are unknown, officers shall complete the citation assuming the alcohol content is above the statutory level of presumed impairment.
6. Officers will use the following codes to indicate which section of the City of Cleveland Municipal Ordinance or Ohio revised Code was violated.

Age of Violator	Type of Test	Results	Charge
All ages	Refusal	N/A	CCO 433.01 (a) (1)
21 and over	Breath	.08 or more but less than .17	CCO 433.01 (a) (4)
21 and over	Urine	.11 or more but less than .238	CCO 433.01 (a) (5)
21 and over	Blood(whole)	.08% or more but less than .17%	CCO 433.01 (a) (2)
21 and over	Blood(whole)	.17% or more	CCO 433.01 (a) (6)
21 and over	Breath	.17 or more	CCO 433.01 (a) (8)
21 and over	Urine	.238 or more	CCO 433.01 (a) (9)
21 and over	Blood serum or plasma	.96 or more but less than .204	CCO 433.01 (a)(3)
21 and over	Blood serum or plasma	.204 or more	CCO 433.01(a)(7)
Under 21	Breath	.02 but less than .08	CCO 433.01 (b)(3)
Under 21	Urine	.028 but less than .11	CCO 433.01 (b)(4)
Under 21	Blood	.02% but less than .08%	CCO 433.01 (b)(1)

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Drug per-se chemical tests-Juvenile and Adult

	Drug per se levels	4511.19 (J)	
DRUG	URINE	Whole Blood/ Serum/Plasma	4511.19(j)
Amphetamine	> 500ng/mL	>100 ng/mL	(J)(1)
Cocaine	>150ng/mL	>50 ng/mL	(J)(2)
Cocaine Metabolite	> 150ng/mL	>50 ng/mL	(J)(3)
Heroin	>2000ng/mL	>50 ng/mL	(J)(4)
Heroin Metabolite	> 10ng/mL	>10 ng/mL	(J)(5)
6 monoacetyl morphine			
L.S.D.	>25ng/mL	>10 ng/mL	(J)(6)
Marihuana	>10ng/mL	>2 ng/mL	(J)(7)
Marihuana	>15ng/mL	>5 ng/mL	(J)(8)(I)
Metabolite			
Marihuana	>35ng/mL	>50 ng/mL	(J)(8)(II)
Metabolite			
Methamphetamine	>500ng/mL	>100 ng/mL	(J)(9)
Phencyclidine	>25ng/mL	>10 ng/mL	(J)(10)

VI. FBR Reporting Procedures

A. The goal of using the FBR Reporting system for O.V.I. arrests is to provide officers with a method of collecting all O.V.I.-related evidence and describing the incident clearly and concisely.

SPO#7

B. It will also provide the Prosecutor's Office and Detective Bureaus with this Information more expediently.

C. Members shall complete an FBR report for all O.V.I. arrests.

D. The O.V.I. The field Notes Sheet and the Vehicle/Tow Supplement shall be added as attachments to the FBR Report.

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E. **Please stress to students** that the Field Notes Sheet is their probable cause for the stop and must be included in the report.

F. Document the incident using the basic FBR reporting format and the pre-arrest events leading up to the arrest and post-arrest activities in the narrative portion of the report.

G. The FBR report narrative section shall include all of the following when applicable.

1. Pre-arrest actions include, but are not limited to:

a. Reasonable articulable suspicion for the traffic stop.

b. Date, time, and location of offense and traffic stop.

c. Intoxication indicators:

i. Before attempting the traffic stop

a. Problems in maintaining proper lane position

b. Speed and braking problems

c. Vigilance problems

d. Judgment problems

- ii. While pulling over and before contact with the driver
 - a. Tries to flee
 - b. Slow response
 - c. Sudden stop
 - d. Strikes curb
 - iii. During contact with the driver.
 - a. Bloodshot eyes
 - b. Slurred speech
 - c. Admits to drinking
 - d. Odor of alcohol
 - d. Detailed descriptions of any Standardized Field Sobriety Testing (S.F.S.T.) used.
 - i. Who administered the S.F.S.T.
 - ii. When (date and time) the S.F.S.T. was administered.
 - iii. The location where the S.F.S.T. was administered
 - iv. All indicators of impairment during S.F.S.T.
 - e. Any failures to follow instructions.
 - f. Any refusals to cooperate.
2. Post-arrest actions include, but are not limited to:
- a. Offender Statements
 - b. Miranda Warnings Given
 - c. Disposition of the vehicle (e.g., towed, released, etc.).
 - d. Bureau of Motor Vehicles (B.M.V.) Form

2255 Administrative License Suspension

- i. Who read BMV 2255 to the offender
 - ii. When (date and time) BMV 2255 was read to the offender
 - iii. Where BMV 2255 was read to the offender (e.g., B.A.C. room, hospital, etc.)
 - iv. Who was the witnessing officer(s)
 - v. Indicate if the offender understood the BMV 2255 and any clarification.
 - vi. Who notarized the BMV 2255 and when (date and time)
- e. Testing (Blood, Breath, or Urine)
- i. Type of test chosen
 - ii. Was the test refused? If so, indicate when (date and time) the refusal occurred.
 - iii. Who administered the test
 - iv. When (date and time) the test was administered
 - v. Where the test was administered
 - vi. Witnesses to the test
 - vii. Results of the test, if available, or where the sample was forwarded
- f. Any failures to follow instructions
- g. Any refusals to cooperate

H. **Explain** to the class that their FBR report may be the only document a prosecutor has available to make decisions about prosecution.

VII. Please stress to the students that the following documents must be attached to the FBR report and their Field Notes Sheet.

- A. Alcohol Observations Form
- B. Ticket
- C. Crash Report
- D. Prosecutor's Probable Cause Sheet - Members shall complete the Prosecutor's Probable Cause Sheet for all O.V.I. arrests

VIII. Felony O.V.I. Processing

A. Certain prior convictions make O.V.I. a felony.

1. Three or more O.V.I. convictions in the last six years,
2. Any prior felony O.V.I.,
3. Any previous conviction in the last six years for O.V.I. related to the current O.V.I. makes it a felony.
 - a. Involuntary Manslaughter,
 - b. Aggravated Vehicular Homicide,
 - c. Vehicular Homicide or
 - d. Aggravated Vehicular Assault
4. If prior convictions exist to warrant a charge of felony O.V.I., citations are **not issued** to the violator for OVI/DUI.
5. The citation shall be **filled out**, and the white, green, pink, and yellow copies shall be forwarded to the District Detective Bureau in the O.V.I. Investigation Envelope.
6. If a felony is warranted, the detectives shall hold the citations
7. They shall not issue them to the prosecutor
8. If there is no felony, the detectives can issue the

completed pre-written citation with all the correct information to the prosecutor.

9. Arresting officers shall check LEADS to ascertain prior convictions.
10. If LEADS is down, or the offender has a fresh conviction that has not shown up, the offender shall be charged with ONLY a misdemeanor.
11. If it is later learned that a felony charge is appropriate, the detectives shall nullify the misdemeanor and make a felony charge, provided the case has not yet been disposed of.
12. The FBR report must include the particulars of the prior conviction in the narrative.
13. District Detectives will be responsible for obtaining a current LEADS printout of the violator and the vehicle involved to aid in their investigation.
14. A copy of the FBR report shall be placed inside the O.V.I. Investigation Envelope before forwarding to the Detective Bureau.

IX. Paperwork Distribution

A. Booking Information is to be forwarded to the County Jail.

1. Pre-Booking Sheet
2. UTT

B. OVI Processing Envelope: Routed to the Court Seargent Office for delivery to the Municipal Prosecutor's Office and routed to the District Detective Bureau for Felony O.V.I. processing.

1. O.V.I. Field Notes Sheet (Original)
2. Copy of Pre-Booking Information
3. Prosecutor's Probable Cause Sheet
4. BMV2255 (Notarized)
Canary & Pink Copy
5. Breath Testing Documentation
 - a. Intoxilizer 8000
6. Copy of iPortal entry
7. Copy of Uniform Traffic Ticket
8. Copy of OH-1 Crash Report

C. FBR Report – ensure the following paperwork is attached:

1. The O.V.I. Field Notes Sheet
2. Vehicle Tow Supplement
3. UTT
4. BMV 2255
5. Forward Chain of Command
6. Include a copy in O.V.I. Envelope if processing as a Felony O.V.I.

X. Pre-Trial Preparation

1. Officers are encouraged to review all evidence with the Municipal Prosecutor's Office before trial.
2. Officers may also direct O.V.I. questions and review Standardized Field Sobriety Testing by contacting the Police Academy.
3. Please stress to the students the importance of conferring with the prosecutor and responding to subpoenas.

XI. Assessing Participant Proficiency

1. Only certified OPOTA SFST instructors will conduct the practical testing of officers.
2. Instructors must decide whether individual participants are proficient with the S.F.S.T.s. This is accomplished by the following:
 - a. All participants will participate in proficiency testing.
 - b. If they fail the testing, they will be given remedial training and be allowed a second attempt at the test.
 - c. The lesson plan for Session 4 (Written Examination and Program Conclusion), 2023 NHTSA refresher training Instructor Guide, sets forth the procedure for testing each participant's ability to administer the three S.F.S.T.s properly.

S.P.O. #8-10

- d. Passing this proficiency requires participants to administer the complete S.F.S.T.s without deleting or erroneously performing any of the administrative elements of the tests.
3. The instructor will use the OPOTA NHTSA Standardized Field Sobriety Testing Proficiency Testing Form to assess the officer's proficiency.

Attachment #1

XII. CONCLUSION

- A. Summarize material
- B. Answer any questions
- C. Dismiss the class

HANDOUT #1 -

CLEVELAND DIVISION OF POLICE OVI FIELD NOTES

INCIDENT NUMBER: _____ DATE: _____ TIME: _____	VEHICLE
LOCATION: _____	MAKE: _____
OFFENDER'S NAME: _____ BIRTH DATE: _____	MODEL: _____
DRIVER'S LICENSE / ID NUMBER: _____ STATE: _____	VIN: _____
OFFICER ADMINISTERING S.F.S.T.: _____	PLATE: _____ STATE: _____

REASON FOR CONTACT ☐ TRAFFIC VIOLATION ☐ TRAFFIC ACCIDENT ☐ CHECK POINT

CHECK THE OBSERVED PRIMARY TRAFFIC VIOLATION OR VIOLATION FROM A TRAFFIC ACCIDENT

☐ WEAVING ☐ SPEEDING ☐ IMPEDING THE FLOW OF TRAFFIC ☐ FAILURE TO YIELD AT LEFT TURN

☐ OPERATING ON WRONG SIDE OF ROAD ☐ FAILURE TO CONTROL ☐ HEADLIGHTS REQUIRED

☐ RED LIGHT VIOLATION ☐ STOP SIGN VIOLATION ☐ OTHER: _____

OBSERVATIONS: ☐ BLOODSHOT EYES ☐ SLURRED SPEECH ☐ TALKATIVE ☐ SLEEPY ☐ INSULTING

ODOR OF AN ALCOHOLIC BEVERAGE OR DRUGS: ☐ STRONG ☐ MODERATE ☐ FAINT ☐ NONE

OTHER OBSERVATIONS: _____

HORIZONTAL GAZE NYSTAGMUS

PUPIL SIZE: ☐ UNEQUAL ☐ EQUAL RESTING NYSTAGMUS: ☐ YES ☐ NO TRACKING: ☐ UNEQUAL ☐ EQUAL	LACK OF SMOOTH PURSUIT ☐ LEFT EYE ☐ RIGHT EYE DISTINCT AND SUSTAINED NYSTAGMUS AT MAXIMUM DEVIATION ☐ LEFT EYE ☐ RIGHT EYE ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES ☐ LEFT EYE ☐ RIGHT EYE	VERTICAL GAZE NYSTAGMUS ☐ YES ☐ NO EYES ☐ NORMAL ☐ BLOODSHOT ☐ WATERY
---	--	---

WALK AND TURN

ON LEG STAND

INSTRUCTION STAGE ☐ COULD NOT KEEP BALANCE ☐ STARTS TOO SOON WALKING STAGE ☐ STOPS WHILE WALKING ☐ MISSES HEEL TO TOE ☐ STEPS OFF LINE ☐ USES ARMS TO BALANCE ☐ IMPROPER TURN ☐ WRONG NUMBER OF STEPS ☐ COULD NOT PERFORM TEST	WHICH LEG RAISED ☐ LEFT ☐ RIGHT ☐ PUTS FOOT DOWN ☐ USES ARMS TO BALANCE ☐ SWAYS WHILE BALANCING ☐ HOPPING ☐ COULD NOT PERFORM TEST OFFENDER REFUSED TO PERFORM THE FOLLOWING ☐ H.G.N. ☐ WALK AND TURN ☐ ONE LEG STAND
---	--

NOTES:

ARRESTING OFFICER(S) _____	ZONE CAR _____	DISTRICT/UNIT _____
ASSISTING OFFICER(S) _____	ZONE CAR _____	DISTRICT/UNIT _____

HANDOUT #2- Front



OHIO DEPARTMENT OF PUBLIC SAFETY
BUREAU OF MOTOR VEHICLES

**REPORT OF LAW ENFORCEMENT OFFICER ADMINISTRATIVE LICENSE SUSPENSION /
NOTICE OF POSSIBLE CDL DISQUALIFICATION / IMMOBILIZATION / FORFEITURE**

A. NAME		DRIVER LICENSE #		CLASS	STATE
CURRENT STREET ADDRESS (AS VERIFIED BY OFFICER)					
CITY		OHIO COUNTY OF RESIDENCE		STATE	ZIP CODE
DATE OF BIRTH	SOCIAL SECURITY #	4 DIGIT COURT CODE		COUNTY OF VIOLATION	
DATE OF VIOLATION	TIME OF VIOLATION	PLACE OF TEST		VIN	
DATE OF REFUSAL OR TEST	TIME OF REFUSAL OR TEST	YEAR	MAKE	LICENSE PLATE #	TYPE PLATE
VEHICLE OWNER'S NAME		DATE OF BIRTH	STREET ADDRESS		
CITY	STATE	ZIP CODE			
VEHICLE STORED AT (STREET ADDRESS)				CITY	

B. Officer to Complete for All OVI / Physical Control Arrests:
Circle arrest type: OVI Physical Control

The driver:

☐ Refused to submit to test (s). ☐ Submitted to test (s) @ _____ % alcohol test result ☐ Circle test type for which results were reported: Whole Blood, Breath, Urine, Blood Serum, or Blood Plasma ☐ Was placed under an Administrative License Suspension (R.C. 4511.191) ☐ License was seized ☐ Offender was provided a copy of this form at the time of arrest.	I requested the driver, by reading advice on the back, to submit to a chemical test (s) for alcohol and / or for the presence of any controlled substance or metabolite. My reasonable grounds for OVI / Physical Control arrest before test were: _____ ☐ Subject tested for controlled substance or metabolite. Circle test type for which controlled substance or metabolite results were reported: Urine, Whole Blood, Blood Serum, or Blood Plasma. ☐ Specify controlled substance and / or metabolite results: _____ ☐ Subject tested positive for prohibited level of marijuana metabolite _____ (specify amount) and was under the influence of alcohol and / or a drug of abuse. ☐ Alcohol, controlled substance or metabolite test result received on _____. Subject served with notice of Administrative License Suspension on _____. ☐ Reasonable means officer used to ensure offender submitted to a chemical test were: _____
---	--

C. Officer to Complete Applicable Vehicle Sanctions:

☐ License plate(s) seized ☐ Vehicle seized under R.C. 4511.195 (OVI)	☐ Vehicle seized under R.C. 4510.41 only (DUS or wrongful entrustment of a motor vehicle) if so, do not mail this form to the BMV ☐ Vehicle subject to immobilization ☐ Vehicle subject to forfeiture
---	--

D. Officer to Complete if Offender is the holder of a commercial driver license or was Operating a Commercial Vehicle:

☐ Read and showed advice to offender (R.C. 4506.17) ☐ Refused to submit to test(s) ☐ Submitted to test(s) @ _____ % alcohol test result (Circle One) Whole Blood, Breath, Urine, Blood Serum, or Blood Plasma ☐ Prohibited Alcohol Content without OVI charge	☐ Prohibited Alcohol Content with OVI charge ☐ Commercial vehicle per definition (R.C. 4506.01(E)) ☐ 24-hour out-of-service order ☐ CDL to be disqualified ☐ CDL seized ☐ Hazardous material ☐ Operated a commercial vehicle under the influence of a controlled substance
---	---

E. The advice on the back of this form was read to me and I have received a copy of this form.

X _____ ☐ REFUSED TO SIGN
DRIVER'S SIGNATURE

F. Complete Below Only for an OVI / Physical Control ARREST:
We, the undersigned, certify that the advice prescribed by the General Assembly (under R.C. 4511.191 and R.C. 4511.192), was shown to the person under arrest and read to him or her in the presence of the arresting officer and one other person.

X ARRESTING OFFICER'S SIGNATURE	OHIO _____ ENFORCEMENT AGENCY	N.C.I.C. # _____
X WITNESS'S SIGNATURE	OFFICER'S BUSINESS STREET ADDRESS _____	
	CITY _____	STATE _____ ZIP CODE _____

COMPLETE BELOW ONLY ON OVI ARREST, PHYSICAL CONTROL ARREST, OR ARREST INVOLVING COMMERCIAL VEHICLE. AFFIDAVIT OF ARRESTING OFFICER:
STATE OF OHIO, COUNTY OF _____

I certify I arrested the person, having had reasonable grounds to believe the person was operating a vehicle upon a highway, or upon public or private property used by the public for vehicular travel or parking in the State of Ohio, under the influence of alcohol and / or drugs of abuse, in physical control of a vehicle while under the influence of alcohol and / or drugs of abuse, or with a prohibited concentration of alcohol in the whole blood, blood serum, blood plasma, breath, or urine. I advised the person in the prescribed manner of the consequences of a refusal or a test. The person either refused the test, or was under arrest for OVI and took the test and had a prohibited concentration of alcohol in the whole blood, blood serum, blood plasma, breath, or urine (all as described above). In the case of a commercial vehicle (if applicable) I had reasonable grounds to believe the person was driving a commercial motor vehicle in the State of Ohio in violation of section 4506.15 of the Ohio Revised Code. The information contained on this form is true to the best of my knowledge and belief.

X ARRESTING OFFICER SIGNATURE _____	X PEACE OFFICER SIGNATURE _____
Sworn to before me this _____ day of _____, 20____	X NOTARY PUBLIC'S SIGNATURE _____
X DEPUTY CLERK OF COURT'S SIGNATURE _____	City of _____

BMV 2255 4/17 [760-1005]

PUBLIC

White / Original - BMV Green - Law Enforcement Pink - Court Goldstar - Offender

HANDOUT #2- Back

CONSEQUENCES OF TEST AND REFUSAL (R.C. 4511.192) (MUST BE READ TO OVI / PHYSICAL CONTROL OFFENDER)

"You now are under arrest for (specifically state the offense under state law or a substantially equivalent municipal ordinance for which the person was arrested) operating a vehicle under the influence of alcohol, a drug, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance; operating a vehicle after underage alcohol consumption; or having physical control of a vehicle while under the influence. If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a commercial driver license and refuse to submit to the test or tests you will immediately be placed out-of-service for twenty-four hours; you will be disqualified from operating a commercial motor vehicle for a period of not less than one year, and you will be required to surrender your commercial driver license to me."

"If you have a prior conviction of OVI, OVUAC, or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under state or municipal law within the preceding twenty years, you now are under arrest for state OVI, and if you refuse to take a chemical test, you will face increased penalties if you subsequently are convicted of the state OVI."

"If you have previously pled guilty or been convicted of two or more OVTS, OVUAC's, or equivalent offenses in the previous ten years, or pled guilty or been convicted of five or more OVTS, OVUAC's, or equivalent offenses in the previous twenty years, or pled guilty or been convicted of a felony of any of the above violations, and you refuse to submit to a chemical test required by law, I am authorized to use whatever reasonable means are necessary to ensure that you submit to a chemical test."

(Read this part unless the person is under arrest for solely having physical control of a vehicle while under the influence.) "If you take any chemical test required by law and are found to be at or over the prohibited amount of alcohol, a controlled substance, or a metabolite of a controlled substance in your whole blood, blood serum or plasma, breath, or urine as set by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated."

"If you take a chemical test, you may have an independent chemical test taken at your own expense."

CONSEQUENCES OF TEST AND REFUSAL - OUT-OF-SERVICE (R.C. 4506.17) (MUST BE READ IN ADDITION TO THE ABOVE TO AN OFFENDER WHO IS THE HOLDER OF A COMMERCIAL DRIVER LICENSE OR IS DRIVING A COMMERCIAL VEHICLE)

"I am a law enforcement officer; I have probable cause to stop or detain you. After investigating the circumstances, I have probable cause to believe you were operating a motor vehicle in violation of section 4506.15 of the Ohio Revised Code. I request that you submit to a test or tests of your blood, breath, or urine for the purpose of determining your alcohol concentration or the presence of any controlled substance. If you refuse to submit to the test or tests you will immediately be placed out-of-service for twenty-four hours; you will be disqualified from operating a commercial motor vehicle for a period of not less than one year, and you will be required to surrender your commercial driver license to me."

ADDITIONAL INFORMATION FOR OFFENDER

IMMOBILIZATION OR FORFEITURE UPON OVI ARREST (R.C. 4511.195)

If you have previously been convicted of operating a motor vehicle under the influence, OVI, (R.C. 4511.19), or similar municipal ordinance, the vehicle and its identification license plates may be seized. The vehicle may be towed and kept by the law enforcement agency or may be immobilized. The period of time for which the vehicle and license plates will be kept or immobilized may be at least until the initial appearance in court. At the initial appearance the court may order that the vehicle and license plates be returned or released to the vehicle owner until the disposition of the charge. If you are convicted of or pled guilty to OVI, the court may issue an order of immobilization of the vehicle and the impoundment of its license plates, or an order for the criminal forfeiture of the vehicle to the state. If you are not the vehicle owner you must immediately inform the owner that the vehicle and its license plates have been seized and that the owner may be able to obtain the return or release of the vehicle and plates at your initial appearance in court.

OFFENDERS ARRESTED FOR DRIVING UNDER SUSPENSION OR WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE (R.C. 4511.203)

If you are charged for driving under an OVI suspension, (R.C. 4510.14), or wrongful entrustment of a motor vehicle, (R.C. 4511.203), the vehicle and identification plates may be seized, and the vehicle may be towed and kept by the law enforcement agency. Any period of seizure will be at least until your initial appearance in court. At the initial appearance the court may order the vehicle returned to you or released to the vehicle owner. If you are convicted of driving under suspension, or of wrongful entrustment of a vehicle, the court may issue an order of immobilization of the vehicle and impoundment of its license plates. Upon a third conviction of wrongful entrustment of a vehicle (R.C. 4511.203), of driving under suspension (R.C. 4510.11), or a municipal ordinance similar to one of the above, the court, upon your conviction may order the forfeiture of the vehicle. If you are not the owner, you should immediately inform the owner that the vehicle and the license plates have been seized and that the owner may be able to obtain the return or release of the vehicle and plates at your initial appearance in court.

IF YOU HAVE A COMMERCIAL DRIVER LICENSE OR YOU WERE OPERATING A COMMERCIAL VEHICLE:

- A. To appeal your disqualification, you must prepare a WRITTEN request for an Administrative Hearing and submit the request by REGISTERED or CERTIFIED MAIL within 30 days of your refusal or test date (see reverse side). Mail your request to:
- Ohio Bureau of Motor Vehicles
Attn.: CDL / OSP
P.O. Box 16784
Columbus, Ohio 43216-6784
- B. You may appeal this SUSPENSION in court at the time of your initial appearance. Even though you may appeal this suspension, your driving privileges will still be suspended.

NOTICE OF SUSPENSION (R.C. 4511.192)

Independent of any penalties or sanctions imposed upon you pursuant to any other section of the Revised Code or municipal ordinance, your driver license or commercial driver license, permit, or nonresident operating privilege is now suspended. The suspension takes effect immediately. The suspension will last at least until your initial appearance on the charge, which will be held within five days after the date of this arrest or the issuance of a citation to you. You may appeal the suspension at the initial appearance before the court that hears the charges against you that resulted from the arrest, or during the period of time ending 30 days after that initial appearance.

LENGTH OF SUSPENSION

FOR REFUSAL

(Based on prior refusals, convictions, and guilty pleas within 10 years)

No priors 1 year
One prior 2 years
Two priors 3 years
Three or more priors 5 years

FOR PROHIBITED CONCENTRATION OF ALCOHOL

(Based on prior convictions and guilty pleas within 10 years)

No priors 90 days
One prior 1 year
Two priors 2 years
Three priors 3 years

Attachment #1



Ohio Peace Officer Training Commission
Office 800-346-7682

NHTSA STANDARDIZED FIELD SOBRIETY TESTING (SFST) PROFICIENCY TESTING RECORD

Curriculum Code BAS-042

STUDENT NAME: _____ SCHOOL NAME: _____ SCHOOL NUMBER: _____

SPO	ACTION	Enter P or F Only	
		TEST #1	TEST #2
#1	COMPLETE THE NHTSA STANDARDIZED FIELD SOBRIETY TESTING (SFST) TRAINING		
	Earn at least an 80% on the NHTSA Post test		
	Administer the complete test battery, in an instructor's presence, without deleting or erroneously performing any of the critical administrative elements of the tests		
	DEMONSTRATE ADMINISTRATION OF THE HORIZONTAL GAZE NYSTAGMUS SFST ON A TESTING SUBJECT		
	Have subject remove glasses, if worn		
	Stimulus held in proper position (approximately 12"-15" from nose, just above eye level)		
	Check for equal pupil size and look for resting nystagmus		
	Check for equal tracking		
	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		
	Eye held at maximum deviation for a minimum of 4 seconds (no white showing). Check left eye, then right eye. Repeat		
	Eye moved slowly (approximately 4 seconds) from center to a 45° angle. Check left eye, then right eye. Repeat		
	Check for Vertical Gaze Nystagmus. Repeat		
	DEMONSTRATE ADMINISTRATION OF THE WALK AND TURN SFST ON A TESTING SUBJECT		
	Instructions given from a safe position		
	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		
	Tells subject not to begin test until instructed to do so and asks if subject understands		
	Tells subject to take 9 heel-to-toe steps on the line and demonstrates		
	Explains and demonstrates turning procedure		
	Tells subject to return on the line taking 9 heel-to-toe steps		
	Tells subject to count steps out loud		
	Tells subject to look at feet while walking		
	Tells subject not to raise arms from sides		
	Tells subject not to stop once they begin		
	Asks subject if all instructions are understood		
	DEMONSTRATE ADMINISTRATION OF THE ONE-LEG STAND SFST ON A TESTING SUBJECT		
	Instructions given from a safe position		
	Tells subject to stand straight, place feet together, and hold arms at sides		
	Tells subject not to begin test until instructed to do so and asked if subject understands		
	Tells subject to raise one leg, either leg, approximately 6 inches from the ground, keeping raised foot parallel to the ground, and gives demonstration		
	Tells subject to keep both legs straight, arms at sides, and to look at elevated foot		
	Tells subject to count in the following manner: one thousand one, one thousand two, one thousand three, and so on until told to stop, and gives demonstration		
	Asks subject if all instructions are understood		
	Checks actual time subject holds leg up (Time for 30 seconds.)		

INSTRUCTOR SIGNATURE _____ OPOTC #: _____ INSTRUCTOR SIGNATURE _____ OPOTC #: _____

INSTRUCTOR SIGNATURE _____ OPOTC #: _____ INSTRUCTOR SIGNATURE _____ OPOTC #: _____

COMMANDER/ADMINISTRATOR SIGNATURE: _____ DATE: _____

NO STAMPS / ORIGINAL SIGNATURES ONLY

SF132bas

Effective: 07/01/2023

**D.W.I. Detection and Standardized Field Sobriety
Testing Refresher Course
Pre-Test**

Name _____ Date _____

Agency _____

When did you attend (and complete) the NHTSA/IACP-approved D.W.I. Detection and Standardized Field Sobriety Testing Training? _____

How long was the training? _____

How much experience do you have administering the S.F.S.T.s? (Number of arrests using the S.F.S.T.s) _____

Directions: For each question listed, circle the letter corresponding to the correct response.

1. While performing the Walk and Turn test, the subject steps off the line twice. How many clues are counted?
 - A. 1
 - B. 2
 - C. 3
 - D. 4

2. For the One Leg Stand test, if the subject moves his or her arms more than _____ inches from their side, a clue is counted.
 - A. 2
 - B. 4
 - C. 6
 - D. 8

3. Which of the following is/are a Standardized Field Sobriety Test(s)?
- A. Modified Romberg Balance
 - B. Finger Count
 - C. Walk and Turn
 - D. Finger-to-Nose
4. The two stages of the Walk and Turn test are.
- A. Walking and Counting
 - B. Instruction and Walking
 - C. Balance and Walking
 - D. Walking and Turning
5. The stimulus should be held approximately inches from the subject's face when conducting the H.G.N. test.
- A. 4 – 6
 - B. 6 – 12
 - C. 12 – 15
 - D. 18 – 20
6. Which eye should be tested first when administering the H.G.N. test?
- A. Left
 - B. Right
 - C. It does not matter
 - D. Whichever is easiest for me
7. The first task in Phase Three Detection is_____.
- A. Get the driver's license and registration.
 - B. Advise the driver of his/her Miranda Warnings
 - C. Administer the S.F.S.T.s
 - D. Get a Preliminary Breath Test

8. What is the position of the subject's feet during the One Leg Stand test instruction stage?
- A. Together
 - B. Left in front of the right
 - C. Right in front of the left
 - D. Apart
9. There are a total of validated clues for the Walk and Turn test.
- A. 2
 - B. 3
 - C. 6
 - D. 8
10. During the One Leg Stand test, the subject must be instructed to stand on one foot of their choosing and count one-thousand-one, one-thousand-two, one-thousand-three.
- A. For 15 seconds
 - B. For 30 seconds
 - C. Until told to stop
 - D. Until the subject puts his/her foot down
11. What are the three senses an officer uses to gather evidence of impairment during the face-to-face contact?
- A. Sight, Smell, Hearing
 - B. Sight, Hearing, Touch
 - C. Touch, Sight, Smell
 - D. Sight, Smell, Touch
12. D.W.I. Detection Phase One (Vehicle in Motion) consists of the initial observation of vehicular operation, the stop decision, and.
- A. Observation of the suspect exiting the vehicle
 - B. Observation of the make and model of the vehicle
 - C. Observation of the suspect inside the vehicle
 - D. Observation of the stop

13. For the H.G.N. test, the maximum number of clues is.
- A. 2
 - B. 4
 - C. 6
 - D. 8
14. Psychophysical tests are methods of directly assessing a subject's _____.
- A. Mental and/or physical impairment
 - B. Psychosocial behavior
 - C. Physical ability to perform a test
 - D. Mental acuity
15. The number one priority during any traffic stop is officer safety.
- A. True
 - B. False

**D.W.I. Detection and Standardized Field Sobriety
Testing Refresher Course
Pre-Test Answer Key**

1. A
2. C
3. C
4. B
5. C
6. A
7. C
8. A
9. D
10. C
11. A
12. D
13. C
14. A
15. A

DWI Detection and Standardized Field Sobriety Testing Refresher Course

Post-Test (Five points per question)

Name _____ Agency _____ Date ____ / ____ / ____

1. Detection Phase One is called _____ and the principal decision made during this phase is _____.
 - A. Personal Contact/Should I arrest the driver for D.W.I.
 - B. Vehicle in Motion/Should I stop the vehicle
 - C. Personal Contact/Should I administer a PBT to the driver
 - D. Vehicle in Motion/Should I arrest the driver for D.W.I.
2. If Resting Nystagmus is observed with a subject, this may be an indicator of
 - A. Improper-fitted contact lenses
 - B. A medical condition
 - C. A high level of alcohol for the subject
 - D. Blindness in one eye
3. What type of nystagmus occurs as the eyes look straight ahead?
 - A. Physiological
 - B. Optokinetic
 - C. Resting
 - D. Positional
4. During the check for Vertical Gaze Nystagmus, the stimulus is held at the maximum elevation for at least seconds.
 - A. 4
 - B. 5
 - C. 8
 - D. 10

5. The S.F.S.T. Validation Study that addressed the question "Do S.F.S.T.s discriminate at B.A.C.s below 0.10%?" was the_____.
- A. Los Angeles Field Validation Study
 - B. Colorado S.F.S.T. Field Validation Study
 - C. Florida S.F.S.T. Field Validation Study
 - D. San Diego S.F.S.T. Validation Study
6. Detection Phase Two is called _____ and the principal decision made during this phase is_____.
- A. Vehicle in Motion/Should I stop the vehicle
 - B. Personal Contact/Should I have the driver exit the vehicle
 - C. Personal Contact/Should I administer a Portable Breath Test
 - D. Pre-Arrest Screening/Should I administer S.F.S.T.s
7. During Detection Phase Two, the first task is to observe and interview the driver face-to-face. The second task is to_____.
- A. Observe the driver's exit and walk from the vehicle
 - B. Arrange for a preliminary breath test
 - C. Find a safe place to do the S.F.S.T.s
 - D. Search the vehicle for evidence
8. In the San Diego S.F.S.T. Field Validation Study, which test was determined to be the most accurate in identifying a person with a B.A.C. level of 0.08 percent or higher?
- A. One Leg Stand
 - B. Horizontal Gaze Nystagmus
 - C. Walk and Turn Test
 - D. Finger-to-Nose Test
9. During the H.G.N. test, to record a clue for nystagmus at maximum deviation, it must be distinct and sustained for a minimum of seconds.
- A. 2
 - B. 4
 - C. 6
 - D. 8

10. A type of nystagmus that is associated with high doses of alcohol and certain other drugs for that individual is _____ Nystagmus.
- A. Rotational
 - B. Vestibular
 - C. Pathological
 - D. Vertical Gaze
11. The recommended position of the stimulus for checking H.G.N. is __ inches from the face and slightly above eye level.
- A. 10 to 12
 - B. 12 to 18
 - C. 12 to 15
 - D. 15 to 18
12. The second clue of the H.G.N. test is __.
- A. Immediate Nystagmus
 - B. Resting Nystagmus
 - C. Distinct and Sustained Nystagmus at Maximum Deviation
 - D. Distinct Nystagmus at End Point
13. The first full-field study that utilized law enforcement personnel experienced in the use of S.F.S.T.s was the _____ study in 1995.
- A. Colorado
 - B. Florida
 - C. Maryland
 - D. Los Angeles
14. Based on the San Diego S.F.S.T. Field Validation Study, a subject with two or more clues on the One Leg Stand test will have a B.A.C. at or above 0.08% _ percent of the time.
- A. 80
 - B. 83
 - C. 88
 - D. 90

15. Detection Phase Three is called _____ , and the principal decision made during this phase is.
- A. Pre-Arrest Screening/Should I arrest the driver
 - B. Psychophysical Testing Phase/Should I administer S.F.S.T.s
 - C. Vehicle in Motion/Should I stop the driver
 - D. Field Sobriety Testing Phase/Should I administer S.F.S.T.s
16. How many clues are assessed when a subject cannot complete the One Leg Stand test?
- A. 0 because they could not do the test
 - B. 2, because a score of 2 or more clues indicates a B.A.C. above 0.08%
 - C. 4, because they were not able to successfully complete the test D.
 - D. Only the number of clues observed during the test
17. When checking for Lack of Smooth Pursuit, the stimulus should be moved at approximately _____ seconds from center to side.
- A. 4
 - B. 2
 - C. 2 – 4
 - D. 4 – 6
18. During the One Leg Stand test, the subject should be instructed to count out loud in the prescribed manner. _____
- A. For approximately 30 seconds
 - B. Until told to stop
 - C. Until they put their foot down
 - D. Until the officer is satisfied, the suspect can do the test
19. During the Walk and Turn test, for the turn, the subject is directed to leave his/her _____ foot on the line and, take several small steps around it, and return nine steps.
- A. Front or lead
 - B. Left
 - C. Right
 - D. Pivot

20. "Post Stop" cues are usually seen in what D.W.I. Detection Phase?

- A. Phase One – Vehicle in Motion
- B. Phase Two – Personal Contact
- C. Phase Three – Pre-Arrest Screening
- D. All of the above

**D.W.I. Detection and Standardized Field Sobriety
Testing Refresher Course
Post-Test Answer Key
(Five points per question)**

1. B
2. B
3. C
4. A
5. D
6. B
7. A
8. B
9. B
10. D
11. C
12. C
13. A
14. B
15. A
16. D
17. B
18. B
19. A
20. B