



F23 The Use of Field Sobriety Tests (FST) as Proof of Driving Impairment

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After attending this presentation, attendees will understand the basis for use of Standardized Field Sobriety Tests (SFSTs) as proof of driving impairment in Driving Under the Influence (DUI) alcohol cases and the limitations on extending this rationale to DUI drug cases.

This presentation will impact the forensic science community by educating attendees about the limitations on forensic testimony regarding the use of SFSTs as proof of driving impairment and direct future research to overcome those limitations, if possible.

SFSTs were developed to assist police officers in determining drivers who were likely to be over the legal limit of 0.08% Blood Alcohol Concentration (BAC), as a basis for probable cause to arrest, and in combination with the officer's other observations of driving, post-stop cues, and physical symptoms of alcohol intoxication. Several validation studies (Colorado 1995, Florida 1997, and San Diego 1998) were conducted to illustrate the effectiveness of the SFSTs at predicting whether the officer's arrest decision was correct (subject over 0.08%) based on the number of clues observed.

These tests are then often used by prosecutors as proof that the arrestee's driving was impaired, based on the theory that the SFSTs divided attention skills, which are important in driving, and, therefore, if SFST performance is impaired, then driving would likewise be impaired. This supposition is supported by the relationship between the SFST validation for predicting BACs greater than 0.08% and the demonstrated crash risk increasing at BACs greater than 0.08%.

Crash risk from alcohol is a well-studied objective measure of driving impairment, which increases with increasing blood alcohol level, and forms the basis for laws that make driving at a specific BAC illegal. With drug driving impairment, the association with crash risk at particular drug levels is much less well established. The wide variety of drug effects, and the wide variety of conditions for which drugs are taken, contribute to uncertainty in the meaning of SFST performance when drugs are present.

The mere presence of drugs in the subject's system is not proof of driving impairment. Without a correlation of SFST performance to drug levels, and from drug levels to crash risk, the parallel to alcohol is incomplete. There is no known research which directly links SFST performance to a co-existing crash risk from drugs.

This lack of positive association weakens the assumed association between SFST performance and drugged driving impairment. Due to the immense number of drugs, and their varying type and degree of effects, it would be difficult to establish dose or blood level associations with crash risk for individual drugs. A better approach would be to establish an actual association between the degree of impairment measured, the so-called divided attention skills, and driving crash risk or other objective measures of actual driving impairment, since SFSTs lack face validity for driving impairment.

Field Sobriety Test, DUI, Impaired Driving