

# Reliability of SFST's

How reliable are Standardized Field Sobriety Tests (SFST's) as indicators of intoxication?

In my opinion, field sobriety tests lack reliability for the following three (3) reasons:

- 1) When they are administered in the field, officers cannot emulate the environment in which the tests were validated.
- 2) The tests fail to take into consideration factors such as: age, weight, disabilities, and injuries.
- 3) When done from memory, officers often fail to administer the tests in the validated standardized manner.

First, Standardized Field Sobriety Tests (SFST's) were designed and validated in an office setting, with standard individuals, under standardized conditions. In real life, they're rarely done under these appropriate and controlled circumstances.

In real life, field sobriety tests are administered in the field with varying:

- 1) Wind;
- 2) Precipitation;
- 3) Temperatures (sometimes extreme); and
- 4) Icy, wet, uneven or unmarked surfaces.

Whether it's rocks, uneven pavement, rain, or a number of varying aggravating factors (see above), all of these things can make the tests less reliable. For Standardized Field Sobriety Tests (SFST's) must be administered in a standardized fashion and scored with standardized scoring techniques.

Second, Standardized Field Sobriety Tests (SFST's) don't account for things like:

- 1) Age;
- 2) Weight;
- 3) Injuries;
- 4) Physical disabilities; and
- 5) Mental disabilities.

Standardized Field Sobriety Tests (SFST's) were validated using standard individuals of appropriate age, weight and physical capabilities. When they are done on older, over-weight, or individuals with the physical disabilities or injuries, the tests can become unreliable.

For example, if you're a seventy-eight (78) year old man being asked to perform these tests, the way the tests are administered and scored is the same as it is for a twenty-eight (28) year old man. Standardized Field Sobriety Testing (SFST's) don't account for disabilities, illnesses, or injuries.

Lastly, officers are trained on field sobriety test administration at the police academy and they participate in refresher courses approximately once every ten (10) years. This leaves officers vulnerable to making errors in administration or scoring of the tests. If an officer fails to give a

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required instruction, or otherwise fails administer the test in the standardized, the test can become unreliable.

If your attorney doesn't know how field sobriety tests are supposed to be administered, what the officer did or didn't do will not be accounted for when weighing the reliability of the tests.

All the above-mentioned pitfalls come into play and the field sobriety tests that would otherwise be reliable indicators of intoxication can become unreliable indicators of intoxication, but yet the officer and the DA still rely on the tests to be circumstantial evidence of intoxication and to establish probable cause for an arrest.

***This is not legal advice and is for general informational purposes only. Please consult a lawyer if you're charged with a DWI.***

*Tom Anelli & Associates is a statewide DWI defense practice focusing on solely on DWI Defense matters. Tom Anelli holds certifications in the Science of Evidential Breath Alcohol Testing, and is factory trained on the breath testing instrument most used by local law enforcement. He is also a NHTSA Certified Practitioner and Instructor in Standardized Field Sobriety Testing.*

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