

Peace Officer Basic Training  
NHTSA Standardized Field  
Sobriety Testing  
Unit 10 – Topic 8



Ohio Peace Officer Training Commission  
Education & Policy Section

1650 State Route 56, SW • P.O. Box 309 • London, Ohio 43140

Phone: 800-346-7682 • Fax: 866-393-1275

[OPOTCEducationandPolicy@OhioAttorneyGeneral.gov](mailto:OPOTCEducationandPolicy@OhioAttorneyGeneral.gov)

<b>Effective Date:</b>	March 11, 2016
<b>Course Hours:</b>	Forty (40)
<b>Student Goal:</b>	The student will be able to complete the NHTSA Standardized Field Sobriety Testing (SFST) course.

## **OPOTC CURRICULUM COMMITTEE**

Chief Clayton A. Harris, Cuyahoga Community College Police Department, OPOTC  
Commissioner

Sergeant Troy Mineard, Akron Police Department, OPOTC Commissioner and Curriculum  
Committee Chairman

## **SUBJECT MATTER EXPERT COMMITTEE**

Ryan Born, Law Enforcement Training Officer, OPOTA

Scott Mann, Law Enforcement Training Officer, OPOTA

Patrick Shaw, Officer, Grove City Police Department

Michael Smith, Sergeant, Columbus Division of Police

Wesley Stoudt, Sergeant, Ohio State Highway Patrol

SME Committee Coordinator:

Sarah Thomas, Instructional Designer – Law Enforcement Training Officer, OPOTC

Legal Reviewer:

Justin Hykes, Esq., Director of Administration, OPOTC

## CONTENTS

References.....	4
Course Materials.....	5
Note to Instructor .....	6
Student Performance Objectives .....	7
Preparation .....	8
Ohio Specific Information to Supplement NHTSA PPT .....	9
NHTSA Post Test.....	21
Conclusion .....	22
Handout #1 – R.C. 4511.19 Per Se Levels.....	23
Handout #2 – BMV 2255.....	24
Handout #3 – SFST Guide.....	26
Handout #4 – Additional Student Forms .....	30
Instructor Form #1: Statement of Informed Consent.....	36
Instructor Form #2: SFST Dosing Chart .....	37
Worksheet #1 – Operation .....	38
Worksheet #1A – Operation – Instructor Key .....	40
Proficiency Testing Record.....	42

## REFERENCES

This lesson plan is based on the following sources. However, it is the responsibility of the instructor to use the most recent references.

2 Ohio Jury Instructions (2015), Section 405.05. Retrieved from <http://www.westlaw.com>

2 Ohio Jury Instructions (2015), Section 405.07. Retrieved from <http://www.westlaw.com>

Columbus v. Seabolt (1992), 79 Ohio App. 3d 234

Estate of Graves v. Circleville, 124 Ohio St.3d 339, 2010-Ohio-168, 922 N.E.2d 201

Hess, K., Orthmann, C., & Cho, H. (2014). *Police operations: Theory and practice*. Clifton Park, NY: Delmar.

Lawriter. (2016). *Ohio laws and rules: Ohio revised code (R.C.)*. Retrieved from <http://codes.ohio.gov/>

Missouri v. McNeely, 133 S.Ct. 1552, 185 L.Ed.2d 696 (2013)

National Highway Traffic Safety Administration (NHTSA). (2015). *DWI detection and standardized field sobriety testing*. Washington, DC: NHTSA.

Ohio Department of Public Safety (ODPS). (2014). *OVI interdiction handbook*. Columbus, OH: Traffic Safety Resource Prosecutor.

Ohio State Highway Patrol (OSHP). (2015). *Ohio fatal crash summary statistics by year*. Retrieved February 2, 2016 from <http://statepatrol.ohio.gov/statistics/statspage3.asp>

State v. Baker 2016-Ohio-451

State v. Barger, 78 Ohio App.3d 451, 452, 605 N.E.2d 409, 410 (3rd Dist.1992)

State v. Homan, 89 Ohio St.3d 421, 732 N.E.2d 952 (2000)

State v. Schmitt, 101 Ohio St.3d 79, 2004-Ohio-37, 801 N.E.2d 446

State v. Shuler (2006), 168 Ohio App. 3d. 183

State v. Turk, 70 Ohio App.3d 224, 590 N.E.2d 885 (9th Dist.1990)

State v. Wallace, 166 Ohio App. 3d 845, 2006-Ohio 2477

State v. Wright, (2000), 137 Ohio App. 3d 88

United States Census (USC). (2015) Retrieved February 2, 2016 from [http://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml)

OHIO PEACE OFFICER TRAINING COMMISSION

## COURSE MATERIALS

### TEACHING AIDS

- |                                                            |                                                                |
|------------------------------------------------------------|----------------------------------------------------------------|
| <input checked="" type="checkbox"/> Erasable Board/Markers | <input checked="" type="checkbox"/> Easel/Notepads             |
| <input checked="" type="checkbox"/> AV Equipment           | <input checked="" type="checkbox"/> Lectern/Table              |
| <input checked="" type="checkbox"/> Practice Exercise      | <input checked="" type="checkbox"/> Proficiency Testing Record |
| <input checked="" type="checkbox"/> Other _____            |                                                                |
| <input checked="" type="checkbox"/> Student Handouts       |                                                                |

### INSTRUCTIONAL TECHNIQUES

- |                                                         |                                                             |
|---------------------------------------------------------|-------------------------------------------------------------|
| <input checked="" type="checkbox"/> Lecture             | <input checked="" type="checkbox"/> Group Discussion        |
| <input checked="" type="checkbox"/> Demonstration       | <input checked="" type="checkbox"/> Scenario-based Training |
| <input checked="" type="checkbox"/> Individual Exercise | <input checked="" type="checkbox"/> Hands-on Techniques     |
| <input checked="" type="checkbox"/> Role Play           | <input checked="" type="checkbox"/> Problem Solving         |
| Other _____                                             |                                                             |
| _____                                                   |                                                             |

## NOTE TO INSTRUCTOR

Instructors are expected to:

- Bear in mind the legal, moral, professional and ethical implications of instructing in a commission-approved program.
- Follow student-to-instructor ratios (if applicable)
- Follow student-to-equipment ratios (if applicable)
- Use any and all opportunities which may arise during instruction of the required material to point out to the students the legal, moral, professional and ethical responsibilities they will bear to their employers and communities while serving in an official capacity.
- Understand that this information provided is the minimum standard. Instructors are expected to go above the minimum.
- Incorporate as many principles of adult learning as possible to include Problem Based Learning (PBL), Student Centered Learning (SCL), active group discussions, scenario activities and other responsible adult learning techniques. Emphasis should be placed on the benefits of ethical behavior and the consequences of unethical behavior throughout.

### POWERPOINT PRESENTATIONS

Many lesson plans are accompanied by a very basic PowerPoint Presentation. These are most often a series of slides that include a title slide and the SPOs for the topic. This is intended to be a baseline presentation that instructors are expected to use as a starting point while preparing to teach the topic. Instructors may save the file locally and add slides in support of their teaching efforts. These may include instructor biographical information, expansion of the SPOs, information pertinent to the topic, illustrations, group exercises and other items that will enhance student learning.

**All the materials needed to complete this lesson plan are available at [www.ohleg.org](http://www.ohleg.org) under the current basic curriculum, Unit 10-8 NHTSA standardized field sobriety testing, Additional Resources folder.**

**The actual lesson plans for this course are the NHTSA training materials. Use this lesson plan to supplement the NHTSA training material with Ohio specific details. The PowerPoint slide numbers identified in the instructor notes column corresponds with the NHTSA PowerPoint slides.**

## STUDENT PERFORMANCE OBJECTIVES

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

1. Pass the National Highway Traffic Safety Administration (NHTSA) *DWI detection and standardized field sobriety testing* course.

## PREPARATION

- A. Introduction
  - 1. Instructor
  - 2. Course
- B. The purpose of this topic is to provide the knowledge and skills necessary to perform standardized field sobriety testing in Ohio

## OHIO SPECIFIC INFORMATION TO SUPPLEMENT NHTSA PPT

- A. NHTSA Session 1 – introduction to DWI detection and standardized field sobriety testing
1. Approximately 11.6 million people now live in Ohio
  2. 1,008 people died in vehicle crashes in 2014
  3. 349 died in OVI crashes in 2014
  4. Administer the NHTSA course pre-test
- B. NHTSA Session 2 – detection and general deterrence
1. Ohio annual traffic fatalities
  2. 2013 – 990
  3. 2012 – 1122
  4. 2011 – 1016
  5. 2010 – 1080
  6. 2009 – 1022
  7. 2008 – 1191
  8. 2007 – 1257
  9. 2006 – 1239
  10. 2005 – 1328
  11. Yearly average – 1125
- C. Session 3 – the legal environment
1. Statutory Elements of Operating Vehicle Under the Influence of Alcohol or Drugs (OVI)
    - a. Operate any vehicle within this state, if...
    - b. At the time of operation...
    - c. The person is under the influence of...

**USC (2015)**  
**PPT #1-9**  
**OSHP (2015)**  
**PPT #1-9**  
**OSHP (2015)**  
**PPT #1-9**  
**NHTSA (2015)**

**NHTSA (2015)**

**OSHP (2015)**  
**PPT #2-4**

**NHTSA (2015)**

**R.C.**  
**4511.19(A)(1)(a)**  
**PPT #3-3**

OHIO PEACE OFFICER TRAINING COMMISSION

- (1) Alcohol
  - (2) A drug of abuse **or**
  - (3) A combination of them
2. Vehicle – every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power
3. Operate – to cause or have caused movement of a vehicle

**R.C. 4511.01(A)**  
**PPT #3-4**

**R.C.**  
**4511.01(HHH)**  
**PPT #3-4**

**Worksheet #1**  
**Worksheet #1A**

*Small Group Discussion – Present Worksheet #1 to student groups and allow a few minutes for them to complete the assignment.*

*Review answers with the class as a whole after covering the physical control section below. The instructor can use Worksheet #1A to help address any questions or concerns with the class.*

4. Physical control
- a. Physical control – being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device
  - b. No person shall be in physical control of a vehicle if, at any time of the physical control, if any of the following apply
    - (1) The person is under the influence of alcohol, a drug of abuse, or a combination of them
    - (2) The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in R.C. 4511.19(A)(1)(b), (c), (d), or (e)
  - c. The definition of operation revolves around the movement of the vehicle, whereas the definition of physical control does not mention the movement of a vehicle
  - d. Physical control is not an equivalent offense, therefore, it cannot be counted as a prior when determining the degree of the current arrest or for purposes of administrative license suspensions for testing over the legal limit

**R.C. 4511.194**  
**PPT #3-4**

**R.C.**  
**4511.194(A)(2)**

**R.C.**  
**4511.194(B)**

**R.C.**  
**4511.194(B)(1)**

**R.C.**  
**4511.194(B)(2)**

- e. If the subject refuses a chemical test, a license suspension will be imposed, but no suspension will be imposed if the subject takes the requested test, regardless of the result of the test

5. Jury instructions

- a. Burden of proof – the defendant is presumed innocent until his guilt is established beyond a reasonable doubt; the defendant must be acquitted unless the state produces evidence which is convincing beyond a reasonable doubt of every essential element of the offense charged in the indictment
- b. Reasonable doubt – reasonable doubt is present when the jurors, after they have carefully considered and compared all the evidence, cannot say they are firmly convinced of the truth of the charge
- c. Proof beyond a reasonable doubt – is proof of such character that an ordinary person would be willing to rely and act upon it in the most important of the person’s own affairs

6. Per se (i.e., in itself)

- a. Ohio’s per se limits are statutorily set by R.C. 4511.19(A)(1)(b) through R.C. 4511.19(A)(1)(j)
- b. Be aware that R.C. 4511.19(A)(1)(f) through (A)(1)(i) are the sections for “high test” OVI’s and should be used since they carry increased sentencing
- c. Drug metabolites
  - (1) Metabolites are the product that the body makes after a substance has been broken down through metabolism
  - (2) Presence is confirmed by laboratory tests
  - (3) Marihuana or marihuana metabolite
    - (a) Pay special attention to details and level results for marihuana metabolites
      - i. To cite a person under R.C. 4511.19(A)(1)(j)(viii)(II), the person just needs to test at or over the levels stated in that section

**PPT #3-5**

**OJI – CR 405.05**

**OJI – CR 405.07**

**OJI – CR 405.07**

**PPT #3-6  
Handout #1**

- ii. However, to cite a person for R.C. 4511.19(A)(1)(j)(viii)(I), the person needs to test at or over the levels stated in that section, but in addition, the officer must be able to articulate that the person was under the influence (i.e., observable signs of impairment) and a charge of R.C. 4511.19(A)(1)(a)
      - (b) Depending on the levels returned, results at certain levels may require a showing of impairment and a charge or they may be able to be charged as a stand-alone offense
- (4) Laboratory results need to be read very carefully in order to determine what was tested (e.g., whole blood, plasma, blood serum); this will allow you to choose the correct revised code citation based upon the levels reported
- d. No person shall operate any vehicle within this state, if, at the time of operation, the following applies – the person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood
 

**R.C.  
4511.19(A)(1)(b)**
- e. If the test results are less than the per se levels, the results may be considered with other competent evidence in determining guilt or innocence of the defendant
 

**R.C.  
4511.19(D)(2)**
- 7. Commercial driver's licensing OVI
 

**ODPS (2014)  
PPT #3-9**

  - a. Offenders operating a commercial motor vehicle (CMV) that requires a commercial driver's license (CDL) are subject to lower per se levels than those set forth in R.C. 4511.19(A)
  - b. These offenders may be charged with a criminal offense for operating a CMV or a motor vehicle for which a commercial driver's license is required while having only measurable or detectable amounts of alcohol or controlled substance in the person's blood, breath, or urine
 

**R.C.  
4506.15(A)(1)**
  - c. Per se limits for CMV OVI
    - (1) .04 by whole blood or breath
 

**R.C.  
4506.15(A)(2)**
    - (2) .048 by blood serum or blood plasma
 

**R.C.  
4506.15(A)(3)**
    - (3) .056 by urine
 

**R.C.  
4506.15(A)(4)**

- d. Implied consent to tests – any person who holds a commercial driver's license or operates a commercial motor vehicle requiring a commercial driver's license within this state shall be deemed to have given consent to a test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the person's alcohol concentration or the presence of any controlled substance or a metabolite of a controlled substance
  - R.C. 4506.17(A)**
  - PPT #3-9**
  
- e. Persons arrested while operating a CMV that requires a CDL are subject to immediate disqualifying action under R.C. 4506.17
  
- f. In addition to the “Consequences of Test and Refusal” on the back of the BMV 2255, an officer must also read the additional commercial motor vehicle warning on the BMV 2255
  - Handout #2**
  
- 8. Underage drinking
  - a. Offenders under the age of 21 are subject to lower prescribed chemical breath levels
    - (1) R.C. 4511.19 (B)(1) whole blood (.020% < .080%)
    - (2) R.C. 4511.19 (B)(2) blood serum/plasma (.030% < .096%)
    - (3) R.C. 4511.19 (B)(3) breath (.020% < .080%)
    - (4) R.C. 4511.19 (B)(4) urine (.028% < .110%)
  - b. An underage offender who tests at one of these lower levels should be arrested for operating a vehicle after underage consumption
  - c. If the underage offender tests at or above .08 for breath, you should cite under the per se limits under R.C. 4511.19(A)(1)
  - d. If the test result is within the ranges stated in R.C. 4511.19(B), (i.e., .02 to .079 for breath) there is no administrative license suspension imposed
  - e. If the underage offender shows any sign of impairment, you can additionally cite under R.C. 4511.19(A)(1)(a)
  - ODPS (2014)**
  - PPT #3-9**
  - R.C. 4511.19(B)**
  
- 9. Legal presumptions for adults
  - a. Breath Alcohol Content (BAC) .08 or more – presumed under the influence
  - b. Less than .02 – presumed not under the influence
  - PPT #3-10**

- c. At least .02 but below .08 – no presumption
10. Implied consent
- a. Those who request and receive driver's licenses must agree to take tests to determine their ability to drive as refusal will result in license revocation
  - b. Any person who operates a vehicle upon a highway or any public or private property used by the public for vehicular travel within this state or who is in physical control of a vehicle shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination if arrested for violation of R.C. 4511.19(A) or (B) or R.C. 4511.194
  - c. The implied consent statute (i.e., R.C. 4511.191) is not the enforcement section for OVI
  - d. Based on the concept that driving an automobile is not a personal right but a privilege
  - e. The chemical test or tests shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle
    - (1) The law enforcement agency by which the officer is employed shall designate which of the tests may be administered
    - (2) A refusal to any requested test is documented as a refusal (e.g., officer requests a breath test and urine test, the subject takes the breath test but refuses the urine test but says he/she will take a blood test would be documented as a refusal to take the requested urine test)
    - (3) The subject must take both tests to avoid any consequences of refusal
    - (4) If a subject refuses the test, an immediate license suspension will be imposed
    - (5) The length of the suspension is determined by prior refusals in the past six years
      - (a) No prior refusals/convictions = 1 year suspension
      - (b) 1 prior refusal/conviction = 2 year suspension

**R.C. 4511.191  
PPT #3-12  
Hess,  
Orthmann, &  
Cho (2014)**

**R.C.  
4511.191(A)(2)**

**Hess,  
Orthmann, &  
Cho (2014)  
R.C.  
4511.191(A)(3)**

**R.C.  
4511.191(B)(1)**

- (c) 2 prior refusals/convictions = 3 year suspension
- (d) 3 or more prior refusals/convictions = 5 year suspension
- (6) If the offender has a prior conviction within the last 20 years and refuses a test you can charge an additional offense under R.C. 4511.19(A)(2)
- f. Any person who is dead or unconscious, or otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented and the test or tests may be administered
  - R.C.  
4511.191(A)(4)**
- g. If law enforcement makes a request for blood/urine testing under the implied consent law and the suspect consents
  - ODPS (2014)**
  - (1) The blood is withdrawn by a physician, registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, qualified technician, chemist, or phlebotomist
    - R.C.  
4511.19(D)(1)(b)**
  - (2) Results are admissible if the hospital or lab is a Department of Health permitted facility or with the use of expert testimony
  - (3) If the subject takes the requested tests and tests over the concentration in R.C. 4511.19(A)(1)(b), (c), (d), (e) or R.C. 4511.19(A)(1)(j) an immediate license suspension will be imposed
    - R. C.  
4511.191(C)(1)**
  - (4) The length of the suspension is determined by prior convictions or refusals in the past six years (e.g., if he/she provides a sample, this date would be based upon his/her conviction date; if he/she refuses, this date would be based upon the refusal date)
    - (a) No prior convictions = 90 day suspension
    - (b) 1 prior conviction = 1 year suspension
    - (c) 2 prior convictions = 2 year suspension
    - (d) 3 or more prior convictions = 3 year suspension
  - (5) The suspension is effective immediately from the time the arresting officer advises the arrested person
    - R.C.  
4511.191(D)(1)**
  - (6) The person's initial appearance will be held within five days of the arrest
    - R.C.  
4511.191(D)(2)**

h. Forced blood draw qualifications

- (1) Two or more prior convictions or convictions of equivalent offenses (e.g., physical control counts for equivalent offense for forced blood draw purposes, but not enhancement) in the past six years
- (2) Five or more prior convictions in the past 20 years
- (3) Any prior felony conviction
- (4) A recent United States Supreme Court ruling stated that natural metabolization of alcohol in the bloodstream does not present a per se exigency that justifies an exception to the Fourth Amendment's search warrant requirement for nonconsensual blood testing in all OVI cases; instead exigency must be determined case by case based on the totality of the circumstances
- (5) As always, follow your agency policy and procedure, but it is recommended that you obtain a search warrant before conducting a forced blood draw

**R.C.  
4511.191(A)(5)**

**Missouri v.  
McNeely (2013)  
PPT #3-17**

11. Portable Breath Test (PBT)

- a. PBT devices are not among the evidential breath-testing instruments approved by the Ohio Department of Health. As such, the results are not admissible in Ohio
- b. Some jurisdictions allow the use of PBTs to determine probable cause; always follow your agency policy

**ODPS (2014)  
PPT #3-13  
State v. Shuler  
(2006)**

12. SFST and substantial compliance

- a. In 2000, State v. Homan determined that the administration of the SFSTs, including the One Leg Stand and Walk and Turn tests, must be performed in strict compliance with the directives issued by NHTSA
- b. After this decision the Ohio Revised Code modified the standard of admissibility for field sobriety tests from strict compliance to substantial compliance
- c. In 2004, State v. Schmitt further clarified this statute by stating that if an officer does not substantially comply or uses a non-scientific field sobriety test he/she may not testify as to the results of the non-complying field sobriety tests but may testify as to his/her observations of the defendant's performance on these tests

**ODPS (2014)  
PPT #3-16  
State v. Homan  
(2000)**

**R.C.  
4511.19(D)(4)(b)**

**State v. Schmitt  
(2004)**

- d. Walk and Turn and One Leg Stand are non-scientific tests; however...
- e. Horizontal Gaze Nystagmus (HGN) is scientific so it must be done in strict compliance
- f. Officers must substantially comply with Ohio Department of Health regulations requiring refrigeration of blood in a prosecution for operating a motor vehicle while under the influence of alcohol

**State v. Baker  
(2016)**

**D. Session 4 – overview of detection, note taking, and testimony**

**NHTSA (2015)**

- 1. BMV 2255 is the form you complete when you are reporting an Administrative License Suspension (ALS), CDL disqualification, immobilization, or forfeiture to the Bureau of Motor Vehicles (BMV)
- 2. While the form was created for administrative purposes, it is also used by the courts
- 3. ALS – a suspension imposed by the BMV for an offender who either refuses a chemical test or who submits to a chemical test and the results indicate a concentration at or above the per se levels prescribed in R.C. 4511.19

**ODPS (2014)  
PPT #4-28**

**4. Required warnings**

- a. The warnings that an arresting officer is required to read to a person arrested for OVI or physical control can be found on the back of the BMV 2255 form; the time you read the warnings to a suspect should be documented next to the Department of Public Safety seal near the top of the form
- b. In all cases where a chemical test is requested, the arresting officer should inform the offender that he/she has the right to have an independent chemical test conducted at the offender's own expense
- c. If arrested for R.C. 4511.19(A), (B), or R.C. 4511.194, the arresting officer should provide written and verbal advice for submitting or refusing chemical test or tests

**R.C.  
4511.192(B)**

**R.C.  
4511.192(A)**

(1) These warnings must be witnessed

(2) Arresting officer has two hours from the alleged violation to read/show the advice to the arrestee

(3) Three hours to obtain a sample

(4) The tests are determined by the officer

OHIO PEACE OFFICER TRAINING COMMISSION

- d. If the person does not consent to the test or tests within the two-hour time limit, the failure to consent automatically constitutes a refusal to submit to the test or tests
  - e. If the subject agrees to the chemical test, law enforcement has three hours, starting from the time of the alleged violation to obtain the blood, breath, or urine sample
  - f. Test results obtained outside the time limits can be used to support an OVI charge with expert testimony
5. If the offender refuses the chemical test or is arrested for OVI and tests above the per se level, the arresting officer must inform the offender all of the following
- a. That the suspension will be in effect at least until the offender's initial appearance on the charges, which shall be within five days
  - b. The arresting officer must
    - (1) Verify the offender's current address
    - (2) Seize the offender's license, if the offender has one
  - c. Advise of consequences for refusal
  - d. Advise of consequences for testing over the per se limit
  - e. Notify person they are under suspension
  - f. Forward license to the registrar (BMV) – you will only forward the driver's license along with the BMV 2255 if you are placing the suspect under an administrative license suspension for refusing a chemical test or testing over the per se level; otherwise you will forward the license to the court
6. The arresting officer shall provide a sworn report that is completed to the arrested person at the time of the arrest
- a. Copy of BMV 2255 – An arresting officer may give an unsworn report to the arrested person at the time of the arrest provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer
  - b. Immediately, but no later than 48 hours after the arrest, the officer must provide a sworn copy of the BMV 2255 to the court

7. Immobilization

**R.C. 4511.19  
(D)(1)(b)**

**R.C.  
4511.19(A)(1)(a)**

**ODPS (2014)**

**R.C.  
4511.192(D)  
R.C.  
4511.192(D)  
R.C.  
4511.192(D)  
R.C.  
4511.192(D)**

**R.C.  
4511.192(E)**

- a. One prior OVI, Operating Vehicle Underage Consumption (OVUAC), or equivalent offense conviction in any state within six years
  - (1) Officer actions
    - (a) Seize car
    - (b) Taking plates is based upon agency policy
    - (c) Mark vehicle as “subject to immobilization” on BMV 2255
  - (2) Possible sanctions
    - (a) Drivers’ intervention program in addition to jail or house arrest
    - (b) One year vehicle immobilization, if driver is owner
    - (c) One year vehicle immobilization of all vehicles registered to driver, even if driver was not operating a vehicle registered to them
    - (d) Remote, continuous alcohol monitoring
  
- b. Two or more prior OVIs, OVUACs, or equivalent offense convictions in any state within six years
  - (1) Officer actions
    - (a) Seize car
    - (b) Taking plates is based upon agency policy
    - (c) Mark vehicle as “subject to immobilization” on BMV 2255
    - (d) Also mark vehicle as “subject to forfeiture” on BMV 2255
  - (2) Possible sanctions
    - (a) Criminal forfeiture, if driver is owner
    - (b) One year vehicle immobilization of all vehicles registered to driver, even if driver was not operating a vehicle registered to them
    - (c) Remote, continuous alcohol monitoring

c. Case example

- (1) Suspect was arrested for OVI and his vehicle was seized
- (2) He was released the next afternoon and later returned to the police station to retrieve his vehicle
- (3) Officers, did not see a “hold” on the vehicle and released it to him
- (4) The next morning, the suspect drove his vehicle while intoxicated and collided with another vehicle
- (5) Both the suspect and the driver of the other vehicle were killed
- (6) The court ruled that the agency did not have immunity because this was considered reckless conduct

E. Session 11 – “Dry run” practice session

F. Session Overview – Introduction to drugged driving

***Estate of  
Graves v.  
Circleville  
(2010)***

***Handout #3***

***PPT Intro***

## NHTSA POST TEST

- A. Administer NHTSA course post test
- B. Student must obtain at least 80%
- C. Collect and retain for file
- D. Students are permitted remedial training and one retest

## CONCLUSION

- A. Summarize material
- B. Practice
  - 1. Distribute practice exercise to students
  - 2. Have students complete exercise
  - 3. Review exercise with students
  - 4. Be available for questions, if necessary
- C. Test/SPOs (if applicable)

## HANDOUT #1 – R.C. 4511.19 PER SE LEVELS

### Alcohol

(A)(1)(b) Whole blood	.080% < .170%
(A)(1)(c) Blood serum or plasma	.096% < .204%
(A)(1)(d) Breath	.080% < .170%
(A)(1)(e) Urine	.11% < .238%

### Alcohol – high test levels

(A)(1)(f) Whole blood	.170% or higher
(A)(1)(g) Blood serum or plasma	.204% or higher
(A)(1)(h) Breath	.170% or higher
(A)(1)(i) Urine	.238% or higher

### Drugs of abuse

(A)(1)(j)(i)	Amphetamine Urine – 500 Nanograms or greater Blood – 100 Nanograms or greater
(A)(1)(j)(ii)	Cocaine Urine – 150 Nanograms or greater Blood – 50 Nanograms or greater
(A)(1)(j)(iii)	Cocaine Metabolite Urine – 150 Nanograms or greater Blood – 50 Nanograms or greater
(A)(1)(j)(iv)	Heroin Urine – 2,000 Nanograms or greater Blood – 50 Nanograms or greater
(A)(1)(j)(v)	Heroin Metabolite Urine – 10 Nanograms or greater Blood – 10 Nanograms or greater
(A)(1)(j)(vi)	L.S.D Urine – 25 Nanograms or greater Blood – 10 Nanograms or greater
(A)(1)(j)(vii)	Marihuana Urine – 10 Nanograms or greater Blood – 2 Nanograms or greater
(A)(1)(j)(viii)(I)	Marihuana Metabolite Urine – 15 Nanograms or greater Blood – 5 Nanograms or greater <b>AND MUST SHOW SIGNS OF IMPAIRMENT</b>
(A)(1)(j)(viii)(II)	Marihuana Metabolite Urine – 35 Nanograms or greater Blood – 50 Nanograms or greater
(A)(1)(j)(ix)	Methamphetamine Urine – 500 Nanograms or greater Blood – 100 Nanograms or greater
(A)(1)(j)(x)	Phencyclidine (PCP) Urine – 25 Nanograms or greater Blood – 10 Nanograms or greater

OHIO PEACE OFFICER TRAINING COMMISSION

# HANDOUT #2 – BMV 2255



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). 0 % 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) 0 % 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.**

DRIVER'S SIGNATURE  REFUSED TO SIGN

**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** \_\_\_\_\_ **OHO** \_\_\_\_\_

ARRESTING OFFICER'S SIGNATURE ENFORCEMENT AGENCY N.C.I.C. #

\_\_\_\_\_

OFFICER'S BUSINESS STREET ADDRESS

**X** \_\_\_\_\_

WITNESS'S SIGNATURE 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** \_\_\_\_\_ **X** \_\_\_\_\_

ARRESTING OFFICER SIGNATURE PEACE OFFICER SIGNATURE

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

**X** \_\_\_\_\_

DEPUTY CLERK OF COURT'S SIGNATURE City of NOTARY PUBLIC'S SIGNATURE

BMV 2255 11/13 [760-1005] **PUBLIC** White / Original – BMV Canav – Law Enforcement Pink – Court Goldenrod – Offender

## HANDOUT #2 – BMV 2255 (cont.)

### APPENDIX E. BMV 2255

#### 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 OVI'S, OVUAC's, or equivalent offenses in the previous six years, or pled guilty or been convicted of five or more OVI'S, 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 plead 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 FRA suspension, (R.C. 4510.16), 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 FRA suspension (R.C. 4510.16), 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 6 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 6 years)

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

## HANDOUT #3 – SFST GUIDE

### Horizontal Gaze Nystagmus

1. **Check for eyeglasses**
  - If worn, instruct subject to remove eyeglasses
2. **Verbal instructions**
  - Put feet together, hands at side
  - Keep head still
  - Look at the stimulus
  - Follow movement of the stimulus with the eyes only
  - Keep looking at the stimulus until told the test is over
3. **Position stimulus**
  - 12-15 inches and slightly above eye level
4. **Check for equal pupil size and resting nystagmus**
  - Note any resting nystagmus
5. **Check for equal tracking**
  - Move the stimulus rapidly from center to far right, to far left, and back to center
  - Make at least two complete passes
  - Start at center and move to far right in two seconds. Move the stimulus across the face to far left in four seconds. Move the stimulus across the face to far right in four seconds. Move the stimulus to far left in four seconds. Move the stimulus back to center in two seconds

*Note: There should be a clear, distinguishable break between the check for equal tracking and lack of smooth pursuit.*
6. **Lack of smooth pursuit**
  - Beginning with the left eye, move the stimulus steadily to the side at a speed that would take approximately two seconds to bring the eye from the center to the side return to the center in two seconds. (Same as equal tracking)
  - Check the right eye
  - Passes should be continuous across the face without stopping in the center
  - Make at least two complete passes
7. **Distinct and sustained nystagmus at maximum deviation**
  - Beginning with the left eye, move the stimulus to the side until the eye has gone as far as possible
  - Hold the stimulus for a minimum of four seconds but not more than 30, and carefully watch the eye
  - Move the stimulus across the subject's face all the way out to the left side (subject's right eye)
  - Make at least two complete passes

## **HANDOUT #3 – SFST GUIDE (cont.)**

### **Horizontal Gaze Nystagmus (cont.)**

**8. Onset of nystagmus prior to 45 degrees**

- Start moving the stimulus towards the right side (left eye) at the speed that would take approximately four seconds for the stimulus to reach 45 degrees. 45 degrees is estimated by moving the stimulus to the side approximately the same distance the stimulus is from the subject's nose
- Once nystagmus is observed you must stop and verify the presence of nystagmus
- Move the stimulus across the subject's face and check the other eye (right eye) in the same manner
- Make at least two complete passes

**9. Check for vertical nystagmus**

- Position the stimulus horizontally, about 12-15 inches in front of the subject's nose
- Instruct the subject to hold the head still, and follow the object with the eyes only
- Raise the stimulus until the subject's eyes are elevated as far as possible
- Hold for a minimum of four seconds
- Make at least two passes

### **Walk and Turn**

**1. Ensure instructions are given from a safe position**

**2. Ask about physical ailments, age, and footwear**

*Note: Age and footwear are to be considered during actual testing. You are to ask about them during the proficiency check to show that you are considering them.*

**3. Have subject place his/her left foot on the line (real or imaginary)**

**4. Demonstrate placement of left foot**

**5. Have subject place right foot on the line ahead of the left foot, with the heel of the right foot against the toe of the left foot**

**6. Demonstrate placement of both feet**

**7. Have the subject place his/her arms down at his/her sides**

**8. Demonstrate placement of arms at sides**

**9. Have the subject maintain the position until the instructions are completed**

**10. Ask the subject, "Do you understand?" to make sure he/she understands the instructions so far**

**11. Receive an affirmative response before continuing**

## HANDOUT #3 – SFST GUIDE (cont.)

### Walk and Turn (cont.)

12. **Instruct the subject, when told to begin, to take nine heel to toe steps on the line, turn, and take nine heel to toe steps down the line**
  - Demonstrate by taking at least three heel to toe steps
  - Subject should be kept on the officer's left side
13. **Instruct the subject that when he/she turns, to keep the front (lead) foot on the line, and turn by taking a series of small steps with the other foot**
  - Demonstrate the turn
  - Demonstrate, at a minimum, three heel to toe return steps

*Note: If the subject takes the wrong number of steps or begins the heel to toe walk with the wrong foot resulting in a turn on the right foot instead of the left, he/she should be assessed a clue for wrong number of steps as long as he/she makes the turn using a series of small steps and maintains his/her balance.*
14. **Instruct the subject that while walking he/she is to keep his/her hands at his/her sides, watch his/her feet at all times, and count his/her steps out loud**
15. **Instruct the subject that once he/she starts walking, he/she should not stop until he/she has completed the test**
16. **Ask the subject "Do you understand?" to make sure he/she understands the instructions so far**
17. **Receive an affirmative response or some indication of understanding before continuing**
18. **Instruct the subject to begin the test**
19. **State the eight clues for the Walk and Turn**

### One Leg Stand

1. **Ensure instructions are given from a safe position**
2. **Ask about physical ailments, age, weight, and footwear**

*Note: Age, weight and footwear are to be considered during actual testing. You are to verbally ask about them during the proficiency check to show that you are considering them.*
3. **Instruct the subject to stand with his/her feet together and his/her arms down at his/her sides**

## HANDOUT #3 – SFST GUIDE (cont.)

### One Leg Stand (cont.)

4. **Demonstrate the placement of both feet and both arms at sides**
5. **Instruct the subject not to start to perform the test until being told to do so**
6. **Ask the subject “Do you understand?” to make sure he/she understands the instructions so far**
7. **Receive an affirmative response or some indication of understanding before continuing**
8. **Instruct the subject that when he/she is told to begin, raise either leg with the foot approximately six inches off the ground and keep his/her foot parallel to the ground**  
*Note: Do not give the instruction to point the toe.*
9. **Demonstrate the position**
10. **Instruct the subject to keep both legs straight and his/her arms at his/her side**
11. **Demonstrate the position**
12. **Instruct the subject that while holding that position, he/she is to count out loud in the following manner: “one thousand one, one thousand two, one thousand three,” and so on until told to stop**
13. **Demonstrate the position**
14. **Instruct the subject to keep his/her arms at his/her sides at all times and keep watching the raised foot**
15. **Ask the subject “Do you understand?” to make sure he/she understands the instructions so far**
16. **Receive an affirmative response or some indication of understanding before continuing**
17. **Instruct the subject to begin the test.**  
*Note: If the subject puts his/her foot down, the subject should then be advised to pick the foot up again and continue counting from the point at which the foot touched the ground. This is not one of the instructions and should **only** be given when the foot touches the ground.*
18. **Time the test for 30 seconds**
19. **Discontinue the test after 30 seconds**



## HANDOUT #4 – ADDITIONAL STUDENT FORMS (cont.)

### Video Field Sobriety Testing form

Student's Name: \_\_\_\_\_

Name: _____	Date: _____	Time: _____
Subjects Description:		
Hat or Cap: _____	Sex: M F O	
Jacket or Coat: _____	Race: W B O	
Other: _____		
Shirt or Dress: _____		
Pants or Skirt: _____		
Shoes: _____		
Odor of Alcoholic Beverage: _____		

Glasses: Yes ____ No ____	<b>DIVIDED ATTENTION SKILLS HORIZONTAL GAZE NYSTAGMUS</b>	Contacts: Hard ____ Soft ____
<b><u>LEFT EYE</u></b>		<b><u>RIGHT EYE</u></b>
_____	Lack of Smooth Pursuit	_____
_____	Distinct Nystagmus at Maximum Deviation	_____
_____	Onset of Nystagmus before 45°	_____
<b>Total Clues: _____</b>		

<p style="text-align: center;"><b>WALK AND TURN</b></p> <p>_____ Can't Keep Balance While Listening to Instructions</p> <p>_____ Starts Before Instructions are Finished</p> <p>_____ Stops Walking to Steady Self</p> <p>_____ Does Not Touch Heel-To-Toe</p> <p>_____ Loses Balance While Walking (Steps Off Line)</p> <p>_____ Uses Arms for Balance (More Than 6")</p> <p>_____ Loses Balance While Turning (Turns Incorrectly)</p> <p>_____ Incorrect Number of Steps</p> <p>_____ Cannot Do Test (Steps Off Line 3 or More Times)</p> <p>_____ <b>Total Clues</b></p>	<p style="text-align: center;"><b>ONE LEG STAND</b></p> <p>_____ Sways While Balancing (During Count)</p> <p>_____ Uses Arms to Balance (6" or More)</p> <p>_____ Hopping</p> <p>_____ Puts Foot Down</p> <p>_____ Cannot Do Test (Puts Foot Down 3 or More Times)</p> <p>_____ <b>Total Clues</b></p> <p style="text-align: center;"><b>USE OTHER SIDE FOR STATEMENT OF FACTS</b></p> <p style="text-align: center;"><b>ARREST: Yes ____ No ____</b></p>
<p><b>OVER</b></p>	

**HANDOUT #4 – ADDITIONAL STUDENT FORMS (cont.)**

**First Drinking Session Testing Form**

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Subjects Description:

Hat or Cap: \_\_\_\_\_ Sex: M F O

Jacket or Coat: \_\_\_\_\_ Race: W B O

Other: \_\_\_\_\_

Shirt or Dress: \_\_\_\_\_

Pants or Skirt: \_\_\_\_\_

Shoes: \_\_\_\_\_

Odor of Alcoholic Beverage: \_\_\_\_\_

Glasses: Yes \_\_\_\_ No \_\_\_\_

**DIVIDED ATTENTION SKILLS  
HORIZONTAL GAZE NYSTAGMUS**

Contacts: Hard \_\_\_\_ Soft \_\_\_\_

<u><b>LEFT EYE</b></u>		<u><b>RIGHT EYE</b></u>
_____	Lack of Smooth Pursuit	_____
_____	Distinct Nystagmus at Maximum Deviation	_____
_____	Onset of Nystagmus before 45 Degrees	_____
	<b>Total Clues:</b> _____	

<b>WALK AND TURN</b>		<b>ONE LEG STAND</b>
_____ Can't Keep Balance While Listening to Instructions		_____ Sways While Balancing (During Count)
_____ Starts Before Instructions are Finished		_____ Uses Arms to Balance (6" or More)
_____ Stops Walking to Steady Self		_____ Hopping
_____ Does Not Touch Heel-To-Toe		_____ Puts Foot Down
_____ Loses Balance While Walking (Steps Off Line)		_____ Cannot Do Test (Puts Foot Down 3 or More Times)
_____ Uses Arms for Balance (More Than 6")		_____ <b>Total Clues</b>
_____ Loses Balance While Turning (Turns Incorrectly)		
_____ Incorrect Number of Steps		
_____ Cannot Do Test (Steps Off Line 3 or More Times)		
_____ <b>Total Clues</b>	<b>OVER</b>	<b>ARREST: Yes ____ No ____</b>

**USE OTHER SIDE FOR STATEMENT OF FACTS**



## HANDOUT #4 – ADDITIONAL STUDENT FORMS (cont.)

### Second Drinking Session Testing Form

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Subjects Description:

Hat or Cap: \_\_\_\_\_ Sex: M F O

Jacket or Coat: \_\_\_\_\_ Race: W B O

Other: \_\_\_\_\_

Shirt or Dress: \_\_\_\_\_

Pants or Skirt: \_\_\_\_\_

Shoes: \_\_\_\_\_

Odor of Alcoholic Beverage: \_\_\_\_\_

Glasses: Yes \_\_\_\_ No \_\_\_\_

**DIVIDED ATTENTION SKILLS**

**HORIZONTAL GAZE NYSTAGMUS**

Contacts: Hard \_\_\_\_ Soft \_\_\_\_

<u>LEFT EYE</u>		<u>RIGHT EYE</u>
_____	Lack of Smooth Pursuit	_____
_____	Distinct Nystagmus at Maximum Deviation	_____
_____	Onset of Nystagmus before 45 Degrees	_____
<b>Total Clues:</b> _____		

<b>WALK AND TURN</b>	<b>ONE LEG STAND</b>
_____ Can't Keep Balance While Listening to Instructions	_____ Sways While Balancing (During Count)
_____ Starts Before Instructions are Finished	_____ Uses Arms to Balance (6" or More)
_____ Stops Walking to Steady Self	_____ Hopping
_____ Does Not Touch Heel-To-Toe	_____ Puts Foot Down
_____ Loses Balance While Walking (Steps Off Line)	_____ Cannot Do Test (Puts Foot Down 3 or More Times)
_____ Uses Arms for Balance (More Than 6")	_____ <b>Total Clues</b>
_____ Loses Balance While Turning (Turns Incorrectly)	
_____ Incorrect Number of Steps	
_____ Cannot Do Test (Steps Off Line 3 or More Times)	
_____ <b>Total Clues</b>	
<b>OVER</b>	<b>USE OTHER SIDE FOR STATEMENT OF FACTS</b>
	<b>ARREST: Yes ____ No ____</b>



**INSTRUCTOR FORM #1: STATEMENT OF INFORMED CONSENT**

**SFST**

**STATEMENT OF INFORMED CONSENT**

I \_\_\_\_\_ hereby agree to participate in the OPOTA / SFST  
(Print Name)

alcohol workshop conducted on \_\_\_\_/\_\_\_\_/\_\_\_\_ by \_\_\_\_\_  
Date Agency/Department

I understand that I will consume alcohol, and may become impaired or intoxicated. I specifically agree that my participation as a volunteer drinker in this program makes it imperative that I refrain from driving for at least twelve hours following completion of the program.

I understand that, while participating in the program, I will be required to submit to breathing tests to determine my blood alcohol concentration. I also understand that I will be required to submit to psychophysical examinations and other non-intrusive clinical tests to assess the extent of my impairment.

I represent that I am in good physical health, and that I am not an alcoholic. I attest that I am not now under the influence of alcohol or any other drug. I attest that I have not consumed any drug, medication, or other substance that would make my consumption of alcohol at this time inadvisable. I will identify all medication I am currently taking. I affirm that there exists no condition that should preclude my participation in this alcohol workshop as a volunteer drinker.

I have been informed of the purpose of this workshop, namely, to assist in training police officers to recognize and investigate persons impaired by alcohol and other drugs. I acknowledge that I may refuse to consume any or all of the alcohol offered to me during this workshop.

\_\_\_\_\_  
Signature of Volunteer

\_\_\_\_\_  
Signature of Witness

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Released to \_\_\_\_\_. I agree to be responsible for the above named volunteer and abide by the conditions of this release.

\_\_\_\_\_  
Signature of Custodian

\_\_\_\_\_  
Signature of Witness

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

OHIO PEACE OFFICER TRAINING COMMISSION

# INSTRUCTOR FORM #2: SFST DOSING CHART

## SFST DOSING CHART PRACTICAL DRINKING EXERCISE

Name of Participant: \_\_\_\_\_ Date: \_\_\_\_\_  
 Weight: \_\_\_\_\_ Glasses/Contacts: \_\_\_\_\_ Clothing: \_\_\_\_\_  
 Natural Nystagmus: \_\_\_\_\_ Equal Tracking/Pupil Size: \_\_\_\_\_ Drinking Experience: \_\_\_\_\_  
 Initial Test Results: \_\_\_\_\_ Test Time: \_\_\_\_\_ Light – Moderate – Heavy  
 Time of Last Meal: \_\_\_\_\_ Food Type: \_\_\_\_\_

### B.A.C. Dosing Chart

**1 Drink = 1-12 Oz Beer, 1 Oz of 80 Proof Liquor, 4 Oz of Table Wine**

<u>Male</u>	<b>Drinks</b>	<u>Female</u>
.09 - .10	.14 - .15	.09 - .10    .14 - .15

< = Less Than An Ounce    > = More Than An Ounce

**Weight In Pounds**

110	<4	>5		3	>4
120	>4	<6		>3	<5
130	<5	>6		<4	5
140	>5	<7		4	>5
150	<6	>7		>4	6
160	>6	<8		<5	<6
170	<7	>8		5	>6
180	>7	<9		>5	<7
190	<8	>9		<6	7
200	>8	<10		6	>7
210	<9	>10		>6	<8
220	>9	<11		<7	9
230	<10	>11		7	>9
240	>10	<12		>7	<10
250	<11	>12		<8	10

	<b>Time</b>	<b>Alcohol Amount</b>	<b>Alcohol Type</b>	<b>BAC Level</b>
<b>1</b>				
<b>2</b>				
<b>3</b>				
<b>4</b>				
<b>5</b>				
<b>6</b>				
<b>7</b>				
<b>8</b>				
<b>9</b>				
<b>10</b>				

	<b>Time</b>	<b>Alcohol Amount</b>	<b>Alcohol Type</b>	<b>BAC Level</b>
<b>11</b>				
<b>12</b>				
<b>13</b>				
<b>14</b>				
<b>15</b>				
<b>16</b>				
<b>17</b>				
<b>18</b>				
<b>19</b>				
<b>20</b>				

OHIO PEACE OFFICER TRAINING COMMISSION

## WORKSHEET #1 – OPERATION

Read each scenario. Determine who, if anyone, was in operation of the vehicle. Explain your answers.

### **Scenario #1:**

You are dispatched to the scene of a possible fight at the Clark Mini Mart on State Street. Upon arriving at the scene, you observe a man standing on the driver's side of a vehicle, with the door open and his left foot on the ground. One arm is on top of the vehicle and the other arm is on the door. The man's right foot is inside the vehicle. The vehicle is not running, but the headlights are on and the keys are in the ignition.

Was this man operating the vehicle? Why or why not?

### **Scenario #2:**

Monica was in the front passenger seat of a vehicle that was being driven by her husband. They had both been out drinking and started arguing. Monica grabbed the steering wheel of the vehicle which caused her husband to lose control of the vehicle and crash into the median.

Who was operating the vehicle? Why or why not?

### **Scenario #3:**

You find Janice sitting behind the wheel of a 1986 Nissan pickup truck with the key in the ignition and the motor running. The truck is immobile, stuck in the mud, with two tires blown out. When you ask Janice to get out of the vehicle, you notice an odor of an alcoholic beverage.

Was there any vehicle operation? Why or why not?

## WORKSHEET #1A – OPERATION (cont.)

### Scenario #4:

You see a truck parked in the high school parking lot. The truck's headlights are on and a woman is leaning out of the driver's side. As you approach the truck, you notice the woman is holding onto the steering wheel, leaning out the truck, and vomiting. When you pull behind the truck, she sits up, closes the driver's side door, and turns off the headlights. The motor is not running, but she produces the keys from her pocket when you request them.

Was she in control of the vehicle? Explain your answer.

### Scenario #5:

You find a man asleep in his vehicle, lying across the front seat with his legs on the driver's side with the engine running.

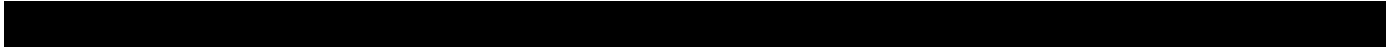
Was he in control of the vehicle? Explain your answer.

## PROFICIENCY TESTING RECORD

For a current copy of the SF132bas – NHTSA Standardized Field Sobriety Testing Proficiency Testing Record, please visit the following website:  
<http://www.ohioattorneygeneral.gov/files/Forms/Forms-for-Law-Enforcement/Law-Enforcement-Training.aspx>



# OPOTC BASIC TRAINING LESSON PLAN MODIFICATION FORM



**PLEASE USE THIS FORM TO INDICATE ANY PROPOSED CHANGES OR ERRORS WHICH REQUIRE MODIFICATION TO THE LESSON PLAN FOR THE COMMISSION-APPROVED PROGRAM IN WHICH YOU ARE TEACHING.**

PROGRAM/CURRICULUM NAME:	UNIT NUMBER:	TOPIC NUMBER:
LESSON PLAN EFFECTIVE DATE:	PAGE NUMBER TO BE MODIFIED:	COPY OF MODIFIED PAGE ATTACHED: (CHECK ONE)  <div style="text-align: right;"> <input type="checkbox"/> YES      <input type="checkbox"/> NO         </div>
<b>REASON(S) FOR MODIFICATION:</b>  CONTENT ISSUE: _____ GRAMMATICAL ERROR: _____ LAW CHANGE: _____ TYPOGRAPHICAL ERROR: _____ OTHER (PLEASE SPECIFY): _____		
<b>RATIONALE FOR MODIFICATION (ATTACH DOCUMENTATION IF NEEDED):</b>  <div style="height: 150px; border: 1px solid black;"></div>		

\_\_\_\_\_  
*Commander or Instructor Name*

\_\_\_\_\_  
*Date*

Contact Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Ohio Peace Officer Training Commission  
Education & Policy Section**

● P.O. Box 309 ● London, Ohio 43140 ● PHONE: 800.346.7682 ● FAX: 866.393.1275 ●  
OPOTCEducationandPolicy@OhioAttorneyGeneral.gov