DRIVING UNDER THE INFLUENCE
AN OVERVIEW OF THE OVUII PROCESS
The Investigation Process for OVUII

- **Traffic Violation**
- **Reasonable Suspicion**

**Vehicle in Motion**
- Observations made by officer
- Statements by suspect

**Personal Contact**
- Observations made by officer
- Statements by suspect

**Sobriety Tests**
- PBT/PAS

**Pre-Arrest Screening**
How many have been in this position?

“Oh...shhhhoot! It’s da cops!”
Contacting DUI drivers

- Officers use their senses when contacting drivers on traffic stop.

- Divide attention by asking multi-part questions and follow up questions.
  - *License, registration and insurance, then...*
  - “Where are you coming from tonight?”

- DUI drivers are usually unable to divide their attention.

- Watch vehicle exit.
Field Sobriety Testing
Top Fifteen List

- HGN
- Walk & Turn
- One Leg Stand
- Modified Romberg Balance
- Finger Count
- Finger to Nose
- Counting backwards (by 3’s)
- Tracing
- Tongue Twisters
- Tapping Rate
- Letter Cancellation
- Grip Strength
- Coin Pickup
- Two-Point Tactile Discrimination
- Color Naming
COLOR NAMING?

RED  YELLOW  BLUE  GREEN  BLACK
PINK  ORANGE  BROWN  GRAY  PURPLE
GREEN  GRAY  BLACK  BLUE  YELLOW
COLOR NAMING?

RED  YELLOW  BLUE  GREEN  BLACK
PINK  ORANGE  BROWN  GRAY  PURPLE
GREEN  GRAY  BLACK  BLUE  YELLOW
Study Comparison

**1983 Stats**
- HGN – 77%
- Walk & Turn – 68%
- One Leg Stand – 65%
- HGN & WAT – 80%

**1998 Stats**
- HGN – 88%
- Walk & Turn – 79%
- One Leg Stand – 83%
- HGN & WAT – 91%
What is Nystagmus?

Nystagmus is the involuntary jerking of the eye.
Alcohol will slow (depress) the optical muscles
HGN

■ Stimulus is held 12”-15”

Slightly above eye level

3 - Pre-Test Observations (medical assessment)
Resting Nystagmus
ARE THE PUPILS EQUAL IN SIZE?

Eliminate any possible medical conditions
IS THERE EQUAL TRACKING? ELIMINATING MORE MEDICAL PROBLEMS
Clue #1

Lack of Smooth Pursuit

When the eyes jerk or bounce as they follow a smoothly moving stimulus

Stimulus should be moved in a smooth manner to best observe the eyes in motion

Two-second timing is provided based on how the eyes should follow the stimulus if the individual is not impaired by alcohol and/or other drugs
Lack of Smooth Pursuit
Clue #2

- At extreme lateral gaze, the nystagmus is obvious and sustained when the stimulus is held for a minimum of four seconds.
Distinct and Sustained Nystagmus at Maximum Deviation
Clue #3

Angle of Onset Prior to 45 Degrees

Does the jerking start prior to a 45 degree angle?

The higher degree of impairment, the sooner the jerking will start to be observed.
Angle of Onset Prior to 45 Degrees
6 Clues Maximum

- Clues are **generally** progressive starting with a lack of smooth pursuit.
- HGN can begin as early as a .02 -.03 BAC

4 or more clues = 88% chance of .08 BAC
Vertical Nystagmus
Clues for Walk and Turn Test

- Cannot maintain balance while listening to the instructions
- Starts too soon
- Stops while walking
- Does not touch heel-to-toe
- Steps off the line
- Uses arms to balance
- Improper turn
- Incorrect number of steps

2 or more clues = 79% chance of .08 BAC
Clues for One Leg Stand Test

- Sways while balancing
- Uses arms to balance
- Hopping
- Puts foot down

2 or more clues = 83% chance of .08 BAC
Preliminary Alcohol Screening

- PAS is a roadside screening for alcohol
  - Helps establish probable cause
  - Not admissible in trial
  - Voluntary in Hawaii
Where it all leads...
It takes less than you think to get arrested.

- A few drinks
- Minor traffic violation(s)
- Odor of intoxicants (maybe)
- A few clues on the SFSTs
Statewide OVUII Arrests

- **2016**
  - Alcohol = 5,630
  - Drugs = 235

- **2017**
  - Alcohol = 5,837
  - Drugs = 259

- **2018**
  - Alcohol = 5,325
  - Drugs = 251

- **2019**
  - Alcohol = 3,375*
  - Drugs = 194*

*Jan. 1 through Aug. 31*
2018 BAC Averages by County

- BIG ISLAND = .139
- HONOLULU = .143
- MAUI = .159
- KAUAI = .196

Statewide average = .159
Enough already...let’s take a break!
WHAT “ROLL” DO YOU TAKE? IF ANY?
DRIVING UNDER THE INFLUENCE

“I would never do something like that...or would I?”
Liquor Commission

Dept. of Licensing

Judiciary

Legislature

Technology – IIL’s, oral fluid testing

Law Enforcement

Education/Treatment

The Offender
THANK YOU

ANY QUESTIONS?