

Aiken Standard

'Walk the line': How police determine if you're DUI

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You've seen them on the side of the road while driving: In the glow of flashing blue lights, a motorist takes heel-to-toe steps in (what should be) a straight line, or stands with one foot lifted into the air while facing an officer.

They're taking field sobriety tests because they've been suspected of driving under the influence. But how did they get into that situation?

Standard field sobriety tests

Horizontal gaze nystagmus is the involuntary jerking of the eye that occurs as the eyes gaze side to side, according to the National Highway Traffic Safety Administration. Under normal circumstances, nystagmus occurs when the eyes are rotated at high peripheral angles; however, when a person is impaired by alcohol or another substance, nystagmus is exaggerated and may occur at lesser angles. An alcohol-impaired person may have difficulty smoothly tracking a moving object, which during sobriety testing is usually an ink pen.

There are several indicators that alert law enforcement of a possible intoxicated driver, but the most common is a traffic violation of some kind observed by the officer, according to Capt. Eric Abdullah, a spokesman for the Aiken County Sheriff's Office.

An officer may see a motorist disregard a stop sign, drive unusually slow or weave in the lane of travel. The officer may then follow the vehicle for a short time to observe any driving patterns.

"These are the most common things that occur, but if it's something that's consistent, it's just an indicator that the driver is possibly having some difficulty operating the motor vehicle," Abdullah said, adding that erratic driving patterns may be the result of not impaired driving, but rather distracted driving habits such as texting and driving.

During the stop, the officer will look for further signs of intoxication while interacting with the driver, such as slurred speech or delayed response in answering questions, confusion, lethargic movements or bloodshot eyes.

The walk-and-turn test is a “divided attention” test that should be performed easily by unimpaired people. During the test, the driver is directed to take a certain number of steps, heel-to-toe along a straight line, turn on one foot and return in the same manner in the opposite direction. The officer looks for multiple indicators of impairment, including difficulty keeping balance, beginning before the officer completes the instructions, using arms for balance or taking an improper number of steps.

During the one-leg stand test, the subject is told to listen and follow instructions while performing simple physical movements. The subject is instructed to stand with one foot raised off the ground about six inches and count out loud until told to put their foot down, usually after 30 seconds. The common indicators of impairment in this test are swaying while balancing, using arms to balance or hopping to maintain balance.

“We're looking at how they're reacting to the situation,” Abdullah said.

The most obvious and common sign of an impaired driver is the smell of alcohol coming from inside the car. Abdullah said drivers who've been drinking often try to mask the odor by spraying cologne or smoking a cigarette. The cover-ups never work, though.

“The odor of alcohol is distinct,” Abdullah said. The officer may then ask the driver to exit the vehicle, paying attention to how the driver exits the vehicle.

“Are they having trouble getting out of the vehicle?” he said. “Do they fall out? Are they stumbling? Are they trying to help themselves out by holding onto something?”

If an officer has sufficient probable cause, he will ask the driver to conduct a field sobriety test, according to Abdullah. There are three primary tests that are used nationally: the horizontal gaze nystagmus test, the walk and turn test and the one-leg stand test.

Abdullah said the officer will explain and demonstrate each test before the driver is asked to perform it. Additionally, the driver is asked if they're able to perform the test as instructed. Some people may have physical ailments that prevent them from completing a test, which the officer will make note of, he said.

A driver can refuse sobriety testing, at which point the officer examines if he has enough evidence to make an arrest.

“Basically, you have to take the totality of the circumstances – all the evidence that you've collected during your observations,” Abdullah said. “And then make your determination if you're going to make an arrest or not.”

Once arrested, the driver is taken to the nearest Datamaster site for a breath test. Datamaster machines, which use a breath sample to analyze the amount of alcohol in one's blood, are available at the Aiken County detention center, the Aiken Department of Public Safety and the North Augusta Department of Public Safety.

In South Carolina, a person cannot be given a breath test until they've been detained for

suspicion of DUI. Before the test, the driver will be observed in a room for 20 minutes to make sure they aren't putting anything in their mouths to alter the test result, Abdullah said. If you are driving, the legal limit for blood-alcohol content is .08 percent in South Carolina, as in most other states.

A person can refuse to provide a breath sample, but their license will be automatically suspended. South Carolina law requires you to take a blood, breath or urine test if you're arrested for DUI, which you agree to upon signing for your driver's license. You cannot refuse the test without penalty.

“After the breath test, if you're suspecting that they were driving under the influence of a controlled substance, then you would take them to have his or her blood drawn by qualified personnel, generally at the hospital,” Abdullah said.

If a test reveals a blood-alcohol content of .15 percent or more, your driving privileges are automatically suspended. From the test, you are processed and booked into the detention center.

Abdullah said the best way to avoid having to take a test in the first place is to not drink and drive.

“Try to have a designated driver,” he said. “... We're not telling anybody not to be out there or don't consume alcohol. We just prefer if you've consumed some kind of alcohol, be sure you have a designated driver or call someone to come and get you. Or, stay right where you are until you sober up.”

Teddy Kulmala covers the crime and courts beat for the Aiken Standard and has been with the newspaper since August 2012.

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