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## Arrested at a DUI Roadblock

If you were stopped and subsequently arrested at a DUI roadblock, all is not lost; you may have some defenses available to you.

### Step 1: Determine the Actual Reason for the Stop

An experienced DUI lawyer will investigate the facts of the case to see if law enforcement is claiming there was a reason, independent of the road block, why you were detained. For example, did you commit a traffic violation or was there some equipment violation observed that precipitated the stop? If there was no legally valid reason, the prosecution in your case will be left to rely on the DUI roadblock.

### Step 2: Determine if the DUI Roadblock was Constitutional

DUI roadblocks are becoming more commonplace and have been declared constitutional. However, very specific standards must be upheld in the manner in which they are conducted, otherwise it can provide the basis for a challenge to the arrest.

## How to Contest the Results of DUI Field Sobriety Tests

Typically, an arrest on suspicion of DUI is based to some extent on your failure to adequately perform one or a number of field sobriety tests. One method to attack the results is through cross examination at trial by your DUI attorney.

Often the same approach that may negate the results of one test applies to others, including:

1. The surface where the test was conducted is uneven; many tests are required to be administered on a level surface. Rarely is the place where you have been pulled over level; in fact, several different gradients may be present.
2. There is no available reference for the test results; you may have difficulty performing the tests under any circumstances; without a baseline for performance, there can be any number of reasons for the results.
3. The officer's expertise; as an expert witness, the officer should understand the reasons why the test is administered so specifically; few do.



# Why Do DUI Field Tests Fail as Indicators of Driving Impairment?

Law enforcement regularly administers one or a number of standardized field sobriety tests (SFSTs) to individuals suspected of DUI. If the officer deems you have failed the test(s), there is then probable cause to arrest you. But what if the SFSTs are unreliable?



## What the Science Says

Despite many studies conducted with the purpose of evaluating various DUI field tests, scientists consistently assert the fact that not one study has conclusively linked performance on SFSTs to driving impairment.

## What the National Highway Traffic Safety Administration (NHTSA) Says

The NHSTA recognizes that driving a motor vehicle is a complex activity, involving multiple tasks and capabilities. The NHSTA's conclusion: the ability of a person to drive safely is unlikely to be accurately measured at roadside.

If you have been arrested after failing a DUI field test, you may have grounds to attack the validity of any SFSTs that were conducted.

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Your case is important to us. If we can't help you, we'll do our best to refer you to someone who can.

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