

If you are pulled over in Michigan, one of the first things the officer will ask is "will you submit to the Field Sobriety Tests (FST)?" Before we discuss whether you should refuse them, we need to know a little bit more about what those tests are.

The [field sobriety tests \(FST's\)](#) are used by the officer to determine your level of drunkenness and whether there is probable cause to arrest you for a DUI (or OWI-Operating While Intoxicated in Michigan). They help the officer build a case against you. There are three standardized FST that have been developed by the National Highway Transportation Safety Administration (NHTSA). They are:

On-Leg Stand

Walk and Turn

Horizontal Gaze Nystagmus test (or the "pen test")

Other tests you may be asked to perform are: counting backwards, reciting the alphabet, touch your nose, etc. These are not standardized tests and may be used when conditions prevent the other tests from being used.

After you take these tests, the officer will evaluate your performance and determine if you have been driving under the influence. Think of this as "Dancing with the Stars" with the officer being the sole judge of your performance. This is a

purely subjective grading by the officer, who is trying to build a case against you for a DUI/OWI.

So, are you legally required to submit to the field sobriety tests (FST)? NO! There is no law or requirement that you submit to these test and there are no license sanctions or civil fines if you refuse these tests. Remember, if the officer asked you to take these tests, he/she is already under the impression you have been driving under the influence and is trying build [probable cause to arrest you](#) and you will probably be arrested anyway. As these tests are purely subjective, you should politely refuse to take them. Why help the officer prove the case against you?

Studies have shown these tests to be unreliably (as much as 40% of the test subjects fail for reasons other than drinking) and many times are inadmissible in court as the officer may not be able to prove probable cause for your arrest. Remember, you probably are going to be arrested anyway, so you shouldn't help the officer build a case against you.

If you have been arrested for a DUI (or OWI), call your [Metro-Detroit Criminal Lawyer](#) immediately at (586) 439-4297 (in Macomb County) or (248) 581-0598 (in Oakland County) and set up your free consultation. I will investigate your case, preserve evidence, and fight to defend your rights.

Also, if you have a smartphone (iPhone or Android) you will want to check out [Emrginfo](#)'s new app. This app has all the info you need to protect yourself during a DUI stop, plus

instant connect with your [Metro-Detroit Criminal Lawyer](#).  
Did I mention this app is free? Check it out.