

TOXICOLOGY TRAINING FOR PROSECUTORS

May 5-6, 2011

Idaho P.O.S.T. Academy -- Meridian, Idaho



Agenda

THURSDAY, MAY 5TH:

- 8:00-8:30** **Compare & Contrast the Breath Testing Instruments**
- Learn the difference between the Intoxilyzer 5000, 5000EN, the Alco-Sensor III and Lifeloc FC20. Students will learn the differences of each instrument and their capabilities.
- 8:30-9:00** **Design, safeguards and intricacies of the Standard Operating Procedures (SOP)**
Jeremy Johnston, ISP Forensic Services
- IDAPA changes**
Matthew Gamette, ISP Forensic Services
- New SOP sections and implementations**
Jeremy Johnston, ISP Forensic Services
- 9:00-9:10** **Break**
- 9:10-10:10** **Uncertainty of Measurement**
Susan Williamson and Jeremy Johnston, ISP Forensic Services
- This presentation will help prosecutors understand the "Uncertainty of Measurement," its terminology and how to use and explain it in court. Its application to the result and its limitations of use may also be discussed.*
- 10:10-10:20** **Break**
- 10:20-11:30** **Blood Alcohol Overview**
Susan Williamson and Jeremy Johnston, ISP Forensic Services
- Uncertainty Similarities**
QA/QC Comparison
- Environmental challenges and shipping concerns'**
- Blood: Breath ratio, comparisons, and the statute**
--This section will be dedicated to the blood alcohol discipline and the differences and similarities to the breath testing program. The instrumentation, testimony and defense tactics will be discussed with regards to a blood alcohol sample.
- 11:30-1:00** **LUNCH (on your own)**

- 1:00-2:00** **Blood Toxicology Overview**
Susan Williamson, ISP Forensic Services
- This section is dedicated to blood toxicology and will be a brief overview of the current state of toxicology in blood as well as its potential usage and limitations in court.*
- 2:00-2:30** **Discovery/Motions to Suppress/Rule 16**
Ben Harmer, Ada County Deputy Prosecutor
- Instruction will be provided on how to deal with the ever increasing use of motions and evidentiary challenges prior to the actual trial.*
- 2:30-2:45** **Break**
- 2:45-3:45** **Common Defense Challenges**
Jeremy Johnston, ISP Forensic Services
- BTS testimony capabilities, Subpoena guidelines, Motions by phone/affidavit**
Jeremy Johnston, ISP Forensic Services
- This will be a detailed overview of different defense tactics employed to attempt to introduce doubt into the validity, accuracy and reliability of breath testing.*
- 3:45** **Wet lab -- Comparisons and Testing of Defense Arguments**
-- Prosecutors will use different instruments within a controlled setting to get evidentiary breath samples from subject. Various defense challenges will be tested and explored. Examples may include, having items in the mouth, huffing & puffing, hyper or hypo ventilation, cross reactivity and specificity of different alcohols.
- 5:00** **Adjourn**

FRIDAY, MAY 6TH

- 8:00** **Laying the Foundational for Admission of Evidentiary Testing**
Christine Starr, Boise City Prosecutor
Jared Olson, Idaho Traffic Safety Resource Prosecutor
- A brief overview regarding how to lay a proper foundation to admit evidentiary tests in impaired driving cases. This will include discussion and examples of for both the breath test and breath test experts.*
- 9:00-9:15** **Break**
- 9:15-12:00** **Panel Discussion & Mock Trial Exercises**
-- Prosecutors are expected to bring their difficult question and scenarios and present them to the panel. Some scenarios will be presented in a mock trial format to illustrate how these scenarios may translate to the courtroom.
- 12:00** **Wrap-up & Adjourn**