

Sobriety Testing



Resource Guide

January 2023

NTLC Resources

The National Traffic Law Center (NTLC) is a resource designed to benefit prosecutors, judges, law enforcement officers and others in the justice system. The mission of NTLC is to improve the quality of justice in traffic safety adjudications by increasing the awareness of highway safety issues through the compilation, creation and dissemination of legal and technical information, and by providing training and reference services.

The NTLC resources listed in this guide are offered to all prosecutors and traffic safety professionals free of charge and may be viewed from the NTLC website; many may be downloaded as well. Just click on the hyperlinks throughout this guide or visit ndaa.org/resource/ntlc-resources/ (QR code at right).

For more information about NTLC’s resources, or for assistance with any other traffic safety-related issues, please contact Senior Attorneys M. Kimberly Brown at MKBrown@ndaajustice.org or Jim Camp at JCamp@ndaajustice.org.



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NTLC Funding Sources



**United States Department of Transportation,
National Highway Traffic Safety Administration**

➤ [nhtsa.gov](https://www.nhtsa.gov)



**United States Department of Transportation,
Federal Motor Carrier Safety Administration**

➤ [fmcsa.dot.gov](https://www.fmcsa.dot.gov)



**The Foundation for Advancing Alcohol
Responsibility**

➤ [responsibility.org](https://www.responsibility.org)



Lyft, Inc.

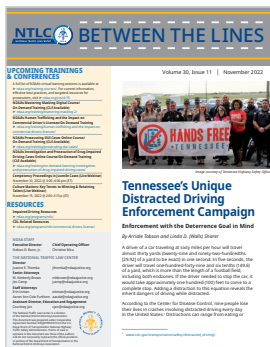
➤ www.lyft.com/business/contact-us



**National Association of State Boating Law
Administrators**

➤ [nasbla.org](https://www.nasbla.org)

Topical Information



Between the Lines Newsletter

The National Traffic Law Center (NTLC) publishes a monthly newsletter called *Between the Lines*. These newsletters include case studies, summaries about U.S. Supreme Court decisions, trending traffic safety issues, and more. Once per quarter, the newsletter is dedicated to a CDL-related topic.

Prosecutors and other traffic safety professionals may subscribe to newsletter by completing a [registration form](#).

Additionally, guest authors are always welcome to submit proposed articles to be included in the newsletter. Contact any [NTLC staff](#) to further discuss topics and the submission procedures.

CDL Listserv

In 2016, the National Traffic Law Center created a listserv for attendees of the NTLC's Basic CDL Course. Since that time, membership to the listserv has grown with the addition of other CDL-related course attendees and other people interested in topics devoted to commercial driver's license holders and commercial motor vehicles. Currently, NTLC staff post CDL-related articles, commentary, and points of interest related to the prosecution of CDL holders and enforcement of CDL regulations. Prosecutors, judges, law enforcement, court clerks, and other traffic safety professionals may subscribe to this CDL listserv by completing a [registration form](#).

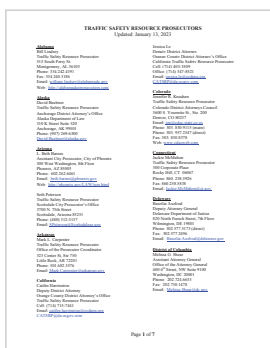
Join the CDL Listserv

Email Address

First Name

Last Name

Subscribe



Traffic Safety Resource Prosecutors

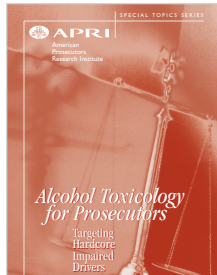
Traffic Safety Resource Prosecutors (TSRPs) facilitate a coordinated, multidisciplinary approach to the prosecution of impaired driving and other traffic crimes.

A TSRP is typically a current or former prosecutor who serves as a subject matter expert and provides training, education, and technical support to prosecutors and law enforcement throughout his or her State.

The NTLC works closely with the country's network of TSRPs. A current list of TSRPs is available [here](#) or by visiting the NTLC website.

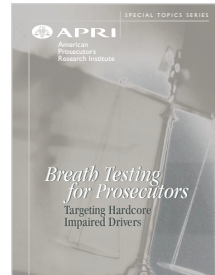
Monographs

ALCOHOL TOXICOLOGY & CHEMICAL TESTING



Alcohol Toxicology for Prosecutors

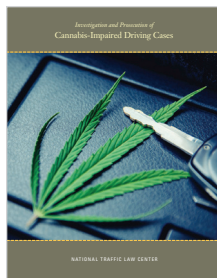
A guide to the basic principles of toxicology and the role of experts in this science.



Breath Testing for Prosecutors

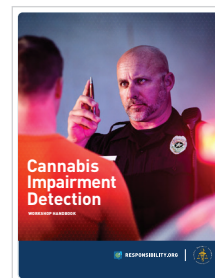
Designed to educate prosecutors about the basics of breath testing theories and procedures.

CANNABIS



Investigation and Prosecution of Cannabis-Impaired Driving Cases

Intended to provide a general overview of the investigation and prosecution of cannabis-impaired driving cases.



Cannabis Impairment Detection Workshop Handbook

Designed to assist law enforcement agencies in identifying, understanding, and overcoming issues pertaining to the development and implementation of these training labs thereby making these trainings more available to all law enforcement officers.

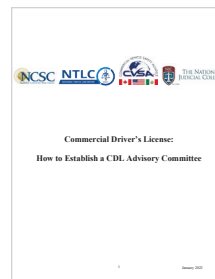
See also **Drugged Driving**; and **Drugged Driving** Educational Videos.

COMMERCIAL DRIVER'S LICENSE



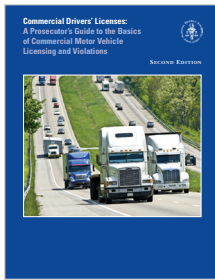
CDL Quick Reference Guide

One-page (front and back) laminated reference for most issues related to commercial driver's licenses and commercial motor vehicles.



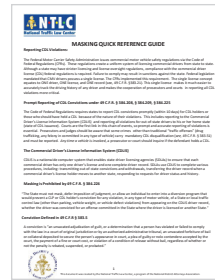
Commercial Driver's License: How to Establish a CDL Advisory Committee

Step-by-step guide explains how to establish a multi-agency working group focused on CDL licensing, enforcement, adjudication, and recording issues to save lives on America's roadways.



Commercial Drivers' Licenses: A Prosecutor's Guide to the Basics of Commercial Motor Vehicle Licensing and Violations, Second Edition

Explains the history and basics of CDL and CMV law.

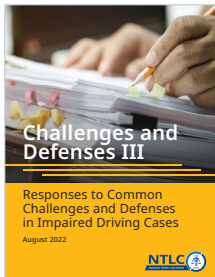


Masking Quick Reference Guide

An easy-to-use step-by-step guide which explains what Masking is, how Masking is reported, the statutory authority prohibiting Masking, and offers examples of what constitutes Masking by state actors.

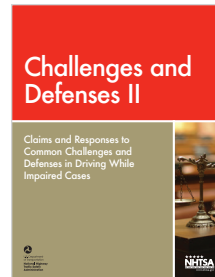
See also **Crash Reconstruction** and **Distracted Driving; Mastering Masking** and **Human Trafficking** Online Courses; and **From Roadside to Record** Educational Videos.

COMMON IMPAIRED DRIVING DEFENSES



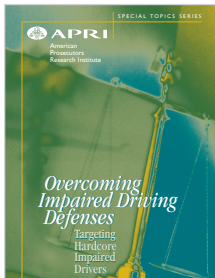
Challenges and Defenses III: Responses to Common Challenges and Defenses in Impaired Driving Cases

Written to help prosecutors address the challenges and defenses largely related to drug-impaired driving cases.



Challenges and Defenses II: Claims and Responses to Common Challenges and Defenses in Driving While Impaired Cases

Designed to assist prosecutors and law enforcement in understanding the nature of defense challenges.



Overcoming Impaired Driving Defenses

A guide to the most common defenses in impaired driving cases. See also *Challenges and Defenses II* and *III* (above) for additional information to combat impaired driving defenses.

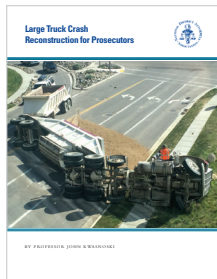
CONSTITUTIONAL LAW



Constitutional Law Issues in Impaired Driving Cases

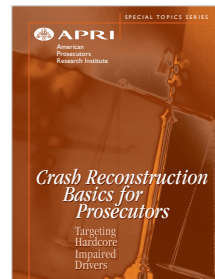
Provides an overview of some of the many constitutional issues impacting traffic cases from the law enforcement officer's observations of a vehicle in motion through a defendant's trial.

CRASH RECONSTRUCTION



Large Truck Crash Reconstruction for Prosecutors

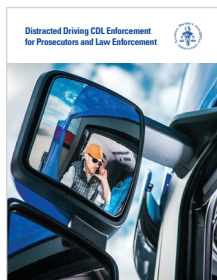
Designed to help prosecutors understand the factors that cause fatal large truck crashes.



Crash Reconstruction Basics for Prosecutors

Serves as a primer for prosecutors on basic science, investigative techniques and what questions to ask when faced with a case involving a collision.

DISTRACTED DRIVING



Distacted Driving CDL Enforcement for Prosecutors and Law Enforcement

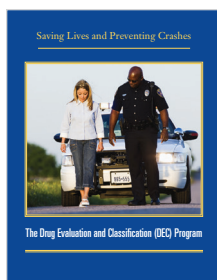
Serves as a primer for prosecutors and law enforcement on the investigation and prosecution of distracted driving cases involving commercial driver's license holders in large commercial vehicles and non-commercial motor vehicles.



Investigation and Prosecution of Distracted Driving Cases

Intended to provide a general overview of the investigation and prosecution of distracted driving cases.

DRUGGED DRIVING

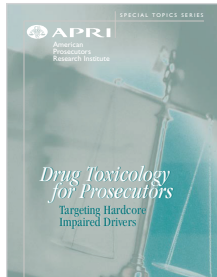


Saving Lives and Preventing Crashes—The Drug Evaluation and Classification (DEC) Program

Designed to provide prosecutors with a basic understanding of the Drug Evaluation and Classification Program and the process used by drug recognition experts.

See also **Drug Toxicology** and **Cannabis; Prosecution of Drug-Impaired Driving** Online Course; and **Drugged Driving** Educational Videos.

DRUG TOXICOLOGY

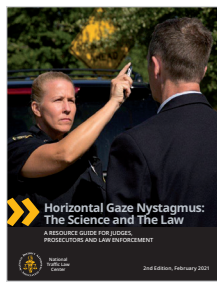


Drug Toxicology for Prosecutors

Designed to provide prosecutors with a basic understanding of drug pharmacology and testing.

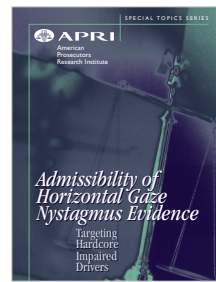
See also **Drugged Driving; Prosecution of Drug-Impaired Driving** Online Course; and **Drugged Driving Educational Videos**.

HORIZONTAL GAZE NYSTAGMUS



Horizontal Gaze Nystagmus—The Science and the Law: A Resource Guide for Judges, Prosecutors and Law Enforcement

Designed specially to assist judges, prosecutors and law enforcement personnel in gaining a basic understanding of HGN, its correlation to alcohol and certain other drugs, other types of nystagmus, the HGN test's scientific validity and reliability, its admissibility in other jurisdictions, and the purposes for which it may be introduced.



Admissibility of Horizontal Gaze Nystagmus Evidence

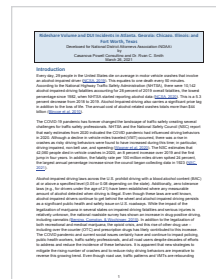
A guide to HGN admissibility with articles from a variety of experts in the area, most notably, leading HGN researchers and authors Dr. Marcelline Burns, PhD and Dr. Karl Citek, OD, PhD, FAAO.

IMPAIRED DRIVING CORRELATION STUDIES: LYFT (RIDESHARE)



Lyft Correlation Study: California

Report examining the correlation between rideshare volume and impaired driving incidents covers three cities in California (Los Angeles, San Diego, and San Francisco).



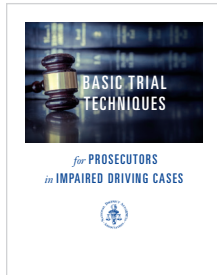
Lyft Correlation Study: Atlanta, Chicago, Fort Worth

Report examining the correlation between rideshare volume and impaired driving incidents covers Atlanta, Georgia; Chicago, Illinois; and Fort Worth, Texas.

TOXICOLOGY

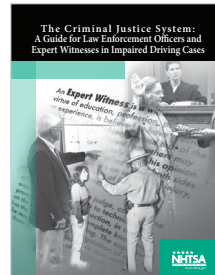
See **Alcohol Toxicology** and **Drug Toxicology**.

TRIAL AND SENTENCING ISSUES



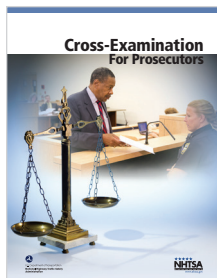
Basic Trial Techniques for Prosecutors in Impaired Driving Cases

Strategies and examples for new prosecutors handling cases involving impaired driving.



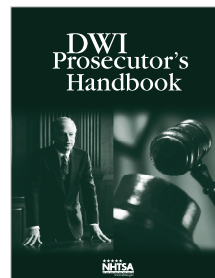
The Criminal Justice System: A Guide for Law Enforcement Officers and Expert Witnesses in Impaired Driving Cases

This publication provides an overview of the criminal justice system for people who will likely encounter it through their roles as expert witnesses.



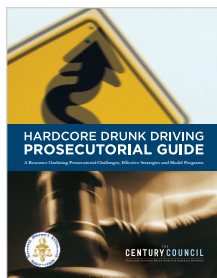
Cross-Examination for Prosecutors

Developed to assist prosecutors in understanding the basic goals, methods, and forms of cross-examination when dealing with all witnesses.



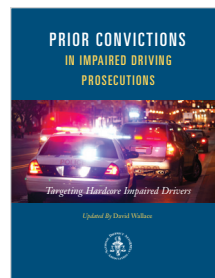
DWI Prosecutor's Handbook

Designed to provide a comprehensive guide for prosecutors about the fundamentals of a DWI prosecution.



Hardcore Drunk Driving Prosecutorial Guide: A Resource Outlining Prosecutorial Challenges, Effective Strategies and Model Programs

Combines proven experience with research in the field of hardcore drunk driving, highlights effective strategies, tactics and programs that can and have been implemented to reduce the problem of hardcore drunk driving.



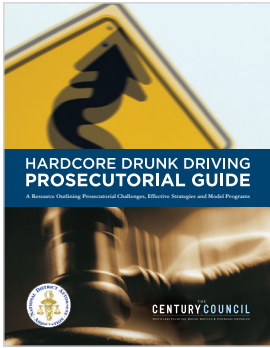
Prior Convictions in Impaired Driving Prosecutions

A guide focused on targeting hardcore impaired drivers by locating, obtaining, and using the prior convictions of impaired driving defendants.

See also **Common Impaired Driving Defenses** and **Constitutional Law; Hardcore Drunk Drivers, Prosecuting DUI Cases**, and **Prosecution of Drug-Impaired Driving** Online Courses; and **Drugged Driving** Educational Videos.

Training

ONLINE COURSES



Hardcore Drunk Drivers

Hardcore drunk drivers, those who drive at high blood alcohol concentrations (0.15% or higher) or do so repeatedly as demonstrated by having more than one drunk driving arrest, are highly resistant to changing their behavior despite previous sanctions, treatment or education. They account for a disproportionate share of alcohol-related traffic fatalities each year.

Impaired driving cases are some of the most technically challenging and complex cases a prosecutor may face. These challenges only become more difficult when dealing with a hardcore drunk driver. These three video presentations explore the issues facing prosecutors and others within the criminal justice system when dealing with these offenders:

Part One: Overview of the Hardcore Drunk Driver

Part Two: Prosecutorial Considerations

Part Three: Effective Sanctions

See also [*Hardcore Drunk Driving Prosecutorial Guide*](#).

Human Trafficking and the Impact on Commercial Driver's Licenses

This on demand training module is designed to educate about the Federal "No Human Trafficking on Our Roads Act" (NHTRA) which was signed into law on January 1, 2018 by President Donald J. Trump. As a result of NHTRA, the Federal Motor Carrier Safety Administration (FMCSA) announced a final rule that imposes a lifetime ban on drivers who are convicted of a severe form of human trafficking in a commercial motor vehicle (CMV) from operating a CMV. This rule was signed into law on July 23, 2019. Under this rule, states have until September 23, 2022 to comply with this mandate. FMCSA allowed a three-year period to permit states sufficient time to seek legislation, update their regulations, and make the appropriate information technology changes to apply the lifetime ban.

Training Course topics include:

- Trafficking and CDL Holders
- Trafficking Victims Protection Act (TVPA)
- Trafficking Victims Protection Reauthorization Act (TVPRA)
- Types of trafficking defined
- License ramifications
- State adoptions of 49 U.S.C. 31310 (d)(2)



- Victim Identification
- Investigation
- Law Enforcement
- Trafficking Indicators
- Prosecuting the Case
- Victim and Witness Preparation
- Evidence Presentation
- Discussion Points
- Resources



Investigation and Prosecution of Drug-Impaired Driving Cases

Impaired driving is illegal, extremely dangerous, and has life altering consequences. Impairment is impairment, regardless of the substance causing the impairment. It does not matter what type of drug a person has taken: licit, illicit, or even if that drug is properly prescribed or purchased over-the-counter; the risk of death or serious injury is the same.

The detection and prosecution of drug-impaired driving cases requires specialized knowledge and skill to combat the unique challenges and defenses presented. An officer or a prosecutor willing to take on this difficult task can keep drug-impaired drivers off of the roadways, thereby preventing unnecessary deaths and injuries and positively impacting public safety.

This Course is designed to assist prosecutors in honing the skills required to properly prosecute a drug-impaired driving case. A prosecutor participating in this Drug-Impaired Driving online training will learn the following:

- What a drug is and what kinds of drugs can cause impairment. Although the definition of “drug” may vary by State statute, participants will learn about over-the-counter drugs, prescription drugs, illicit drugs, and what polydrug-use is.
- How to decipher a toxicology report and the kind of information about which a toxicologist may testify and about which he/she cannot.
- How a law enforcement officer fully and properly investigates a drug-impaired driving case, what the Drug Evaluation and Classification (DEC) Program is, and how a Drug Recognition Expert (DRE) may be utilized during a drug-impaired driving investigation.
- Some of the unique challenges and defenses posed to a drug-impaired driving prosecutor and how to best handle those challenges and defenses.
- Suggestions on how to select jurors for a drug-impaired driving case.



Mastering Masking

Federal and most state law prohibits the “Masking” of violations of traffic control laws. Misconceptions continue to persist surrounding this statute’s mandate requiring the reporting of CDL/CMV violations and convictions and prosecutors’ discretion to negotiate these cases.

This online training course, developed by national experts in cooperation with the Federal Motor Carrier Safety Administration, the National District Attorneys Association’s National Traffic Law Center, and the National Center for State Courts, is for new and practicing prosecutors, as well as other traffic safety professionals who desire to learn more about the legal and ethical consequences of plea negotiations involving commercial driver’s license (CDL) cases.

This training course is designed to equip prosecutors with the knowledge, information, and confidence necessary to effectively prosecute CDL and/or large commercial motor vehicle (CMV) cases. The course walks the learner through a first-person simulation of prosecuting the fictional traffic case of a CDL holder. The training uses a case file, interactive exercises, document mock-ups, and avatar voiceovers to bring the course content to life.

Course module topics include:

- Convictions
- Masking and Ethics
- Disqualification



Prosecuting DUI Cases

This online training course, developed by national experts in cooperation with the Foundation for Advancing Alcohol Responsibility, the National District Attorneys Association’s National Traffic Law Center, and the National Center for State Courts, is for new and practicing prosecutors. This training course is designed to equip prosecutors with the knowledge, information, and confidence necessary to effectively prosecute DUI cases. The course walks the learner through a first-person simulation of preparing for the prosecution of a fictional DUI case. The training uses a compelling storyline, interactive exercises, document mock-ups, and avatar voiceovers to bring the course content to life.

Course module topics include:

- Importance of DUI prosecution
- Preliminary case review and evaluation
- Trial preparation
- Alcohol toxicology 101
- Common defenses and trial tactics

EDUCATIONAL VIDEOS



Drugged Driving

Driving under the influence of drugs other than alcohol, or drugs in combination with alcohol, is now nearly as prevalent as driving under the influence of alcohol. The numbers of alcohol-related fatalities continue on a slight downward trend while the number involving other drugs has been increasing rapidly.

To assist prosecutors and law enforcement officers the AAA foundation funded a grant that permitted the National Traffic Law Center to create a series of short videos. These videos are intended to introduce a less experienced prosecutor to some of the concepts and language used in the prosecution of drugged driving cases and to help develop a basic understanding of the challenges he or she may face in court. Each video is 5-10 minutes in length and can be viewed as time permits.

The Work of the NTLC

Tom Kimball, Former Director NTLC

Admissibility of Expert Testimony

Sarah Garner, North Carolina TSRP

Qualifying the Expert Witness

Sarah Garner, North Carolina TSRP

The Toxicologist

Joey Jones, Forensic Toxicologist, J.O. Jones Consulting, LLC

Understanding Drug Tolerance

Joey Jones, Forensic Toxicologist, J.O. Jones Consulting, LLC

Common DUI Defenses, Generally

Jeff Sifers, Former Oklahoma TSRP

The Drug Recognition Expert (DRE) and Defenses Related to the DRE

Jeff Sifers, Former Oklahoma TSRP

Field Sobriety Testing in Drugged Driving Cases

Ashley Schluck, Wyoming TSRP

Missing Signs or Symptoms in DRE Cases

Ashley Schluck, Wyoming TSRP

Refusal to Test and Implied Consent (Birchfield)

Sarah Garner, North Carolina TSRP

Video Comparison of Alcohol Impairment HGN vs. Cannabis Impairment Abnormal Eye Movement (Not HGN)

From Roadside to Record

NTLC's video series, *From Roadside to Record*, using professional videography and state of the art animation produced with funding from the Federal Motor Carrier Safety Administration, is perfect for use in CDL related training. They focus on enforcing, prosecuting and adjudicating CDL traffic stops in accordance with federal and state regulations.



Part One: The Roadside—CMV, follows the stop of a tractor trailer for speeding and continues from personal contact with the CDL holder driver, through proper completion of the citation.



Part Two: The Roadside—CDL & Personal Vehicle, follows the stop of a CDL holder for speeding while driving a personal vehicle.



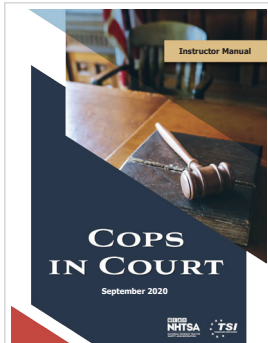
Part Three: The Courtroom, involves a courtroom scene of a prosecutor and several defense attorneys engaged in realistic pretrial negotiations relative to CDL holders and the presentations of the cases to the court. Discussions include Masking, disqualification, and the prevention of Masking.



Part Four: The Clerk, follows the journey taken by the Commercial Driver's License (CDL) holder's conviction from the court clerk's desk to the state driver license agency (SDLA), to the Commercial Driver License Information Service (CDLIS) and back to the CDL holder's record in the state of issuance. This professionally produced video explains the transmittal and recording requirements of the above agencies relative to a CDL holder's conviction thereby ensuring one-driver, one-license, one-record.

NTLC TRAINING COURSE MATERIALS

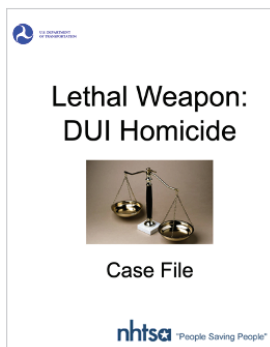
The NTLC maintains a library of training course materials. To obtain any of the below materials, or to discuss how to conduct one of the below training exercises, [email](#) NTLC staff.



***Cops in Court* Trial Testimony Skills Course**

Designed for law enforcement officers with a wide variety of trial testimony experience, this course includes discussion and instruction on all aspects of trial preparation and courtroom testimony in an impaired driving case. Experts in the fields of law enforcement and prosecution present the curriculum to law enforcement officers, allowing the participants to learn firsthand the challenges and difficulties in impaired driving cases. This course is designed to be taught in one day and includes a mock trial presentation, with optional direct and cross-examination exercises. However, additional potential topic areas are discussed throughout the Instructor Manual and may be implemented in the training course to expand the curriculum if so desired. Segments of this training include:

- Understanding the Importance of Courtroom Testimony
- Report Writing
- Courtroom Preparation
- Direct Examination
- Cross-Examination
- Mock Trial



***Lethal Weapon: DUI Homicide* Advanced Trial Advocacy Course**

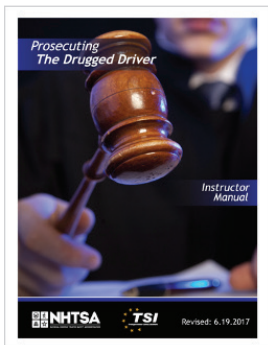
Vehicular fatality cases are complex, requiring prosecutors to have a working knowledge of crash reconstruction and toxicology, as well as skills to work with expert witnesses and victims. The Lethal Weapon course is focused on assisting prosecutors to develop their knowledge and skills in trying these cases. A substantial portion of this four-and-a-half-day course involves presentations on crash reconstruction, technical investigation at the scene, and toxicology. The course also provides an advanced trial advocacy component in which participants receive a case file and participate in mock trial sessions where each of them conducts every stage of the trial. A unique feature of Lethal Weapon is the opportunity for prosecutors to conduct direct and cross-examinations of actual reconstructionists and toxicologists. Specifically, this course teaches prosecutors to:

- Learn how a crash reconstructionist determines speed from skid marks and vehicle damage
- Determine how vehicle and occupant kinematics assist in cases involving driving identification
- Understand the prosecutor's role at the scene of a traffic fatality
- Calculate BAC by learning alcohol "burn-out" rates and the Widmark formula

- Improve trial advocacy skills, particularly conducting direct and cross-examination of expert witnesses

Who Should Attend

- Prosecutors with a preferred experience level of two-three years trying impaired driving cases.
- Prosecutors who currently handle vehicular fatality cases.
- Experienced prosecutors who want to increase their understanding of the technical evidence required to prove guilt in cases involving vehicular fatalities, and at the same time improve their trial advocacy skills.



Prosecuting the Drugged Driver Trial Advocacy Course

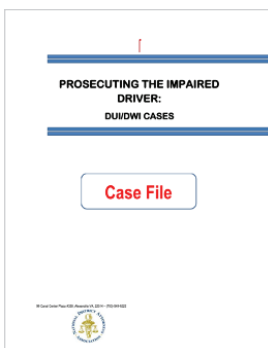
This course is designed to create a team building approach between prosecutors and law enforcement officers to aid in the detection, apprehension, and prosecution of impaired drivers. Prosecutors and law enforcement officers will participate in interactive training classes taught by a multidisciplinary faculty.

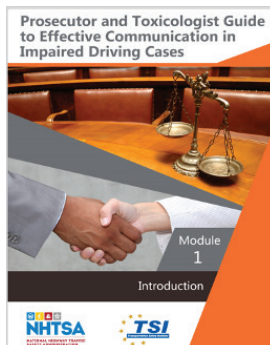
The course begins with an overview of the drug-impaired driving problem in the United States and the substantive areas of training that police officers receive to be certified as a Drug Recognition Expert (DRE). Learning about drug categories, signs and symptoms of drug influence, the role of the DRE in establishing impairment, and the role of toxicology in these cases will assist the prosecutor in developing methods for effectively and persuasively presenting this information in court. The course also addresses how to qualify the DRE as an expert witness in court and how to respond to common defense challenges.

Each participant will have the opportunity to prosecute a “case” including the opportunity to conduct a direct examination of a DRE and a toxicologist. Each phase of the trial is videotaped. Participants receive critiques of the “live” and videotaped presentations from experienced faculty. Throughout every stage of the course, participants receive direct feedback on their courtroom skills with assistance in how to compose more persuasive arguments and deliver more dynamic presentations.

Prosecuting the Impaired Driver: DUI/DWI Cases Trial Advocacy Course

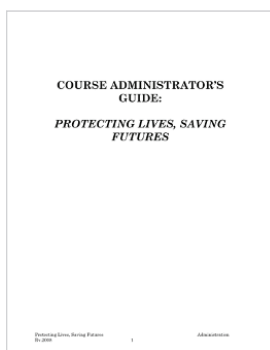
This course is designed to create a team building approach between prosecutors and law enforcement officers to aid in the detection, apprehension, and prosecution of impaired drivers. Prosecutors and law enforcement officers participate in interactive training classes taught by a multidisciplinary faculty focusing on building skills in trying an alcohol related impaired driving case. Includes a discussion of the role of the prosecutor in both alcohol-impaired driving cases and community safety and covers standardized field sobriety tests, the pharmacology of alcohol and chemical testing. Each participant prosecutes a “case,” is critiqued on his/her live performance and given an opportunity to view him/herself on videotape. Throughout every stage of the course, participants receive direct feedback on their courtroom skills with assistance in how to compose more persuasive arguments and deliver more dynamic presentations.





Prosecutor and Toxicologist Guide to Effective Communication in Impaired Driving Cases

This course is designed to enable prosecutors and toxicologists to prepare together to effectively communicate and introduce toxicology evidence in impaired driving cases. Prosecutor and toxicologist participants will together learn the lifecycle of a toxicology sample, including lab testing procedures, types of testing, and issues of quality control and assurance. The roles of the prosecutor, law enforcement, and toxicologist will be reviewed as well as the language used by each, the language pitfalls, and how to best translate technical language into layman's terms. Together the prosecutor and toxicologist learn how to prepare for the case trial presentation, including the documents used, pretrial motions, proper courtroom procedure, common defense tactics, and what the expert toxicologist may expect to encounter. By experiencing this training together, the prosecutor and toxicologist will be able to more effectively present the toxicology evidence in an impaired driving prosecution.



Protecting Lives/Saving Futures Interactive Participant-Centered Course

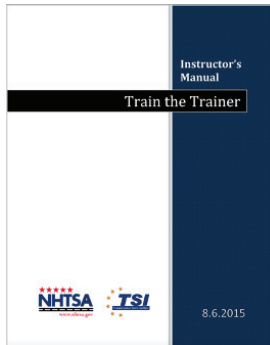
This model curriculum is designed to jointly train police and prosecutors in the detection, apprehension and prosecution of alcohol and drug impaired drivers. This training is unique in two ways: (1) Experts in the fields of toxicology, optometry, prosecution and law enforcement designed and developed the curriculum; (2) Law enforcement officers and prosecutors are trained together by the experts in their respective disciplines. The training is the first of its kind to be developed nationally and is adaptable to all local jurisdictions.

The joint-training approach allows all the involved disciplines to learn from each other inside a classroom rather than outside a courtroom five minutes before trial. Each profession learns firsthand the challenges and difficulties the others face in impaired driving cases. This allows for greater understanding on the part of police officers as to what evidence prosecutors must have in an impaired driving case. Conversely, this training gives prosecutors the opportunity to learn to ask better questions in pretrial preparation, as well as in the courtroom. Both prosecutors and law enforcement officers learn firsthand from toxicologists about breath, blood and urine tests. A nationally recognized optometrist instructs police and prosecutors about the effects of alcohol and other drugs on an individual's eyes, specifically, Horizontal Gaze Nystagmus (HGN). In turn, optometrists and toxicologists gain a greater appreciation for the challenges officers face at the scene in gathering forensic evidence and the legal requirements prosecutors must meet in presenting evidence in court. This exchange of information is beneficial to all involved.

Prosecutors and police officers participate in interactive training classes regarding:

- Initial detection and apprehension of an impaired driver
- Standardized Field Sobriety Tests (SFSTs) and the effective documentation of observations of suspects

- The medical background of the Horizontal Gaze Nystagmus (HGN) test, including the correlation of HGN to alcohol and other drugs
- The scientific background of the breath/blood/urine alcohol and drug tests, and advantages and limitations of forensic testing
- Identification of impairment due to alcohol as well as other drugs
- The effective presentation of evidence in court through trial preparation exercises



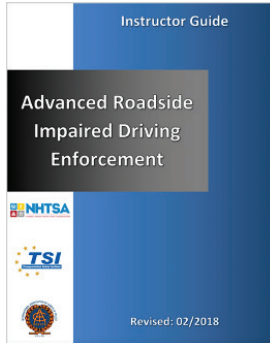
***Train the Trainer* Faculty Development Course**

This course is designed to train adults to effectively teach and critique other adults. The curriculum is designed to be participant centered and instructor led. Each participant will be actively involved in the training process. The program will provide all participants with a foundation in presentation styles, adult learning principles, the art of critiquing, and communication skills. The course teaches participants how to incorporate creative training techniques to deliver interactive presentations using visual aids that reinforce learning.

To provide the opportunity for participants to apply training techniques taught and demonstrated during the course, each participant is required to make a presentation on an element of DUI trial advocacy or related topic. The presentations are videotaped and both the 'live' and videotaped presentation will be critiqued by faculty. Strong emphasis is placed on assisting individual participants to expand and improve their presentation skills, regardless of their level of experience.

This course also will focus on improving the fundamentals of critiquing. Incorporated into the course is the opportunity for local volunteer prosecutors to deliver an opening statement, closing argument, a direct and a cross, which are then critiqued by course participants to give them an opportunity to practice the critiquing skills taught in the course.

LAW ENFORCEMENT TRAINING COURSE MATERIALS

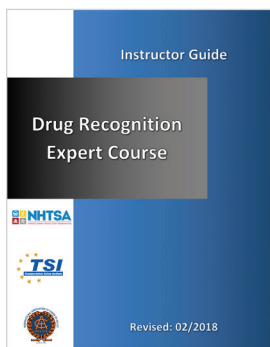


Advanced Roadside Impaired Driving Enforcement (ARIDE) Training Curriculum

Advanced Roadside Impaired Driving Enforcement (ARIDE) is a 16-hour course which offers additional information to law enforcement officers on detecting impairment caused by more than just alcohol. Oftentimes law enforcement officers who have not received advanced or in-service training regarding drug impairment tend to not be able to identify these characteristics; therefore, they will release an impaired driver. Once an officer completes the training, he/she will be more proficient with the Horizontal Gaze Nystagmus (HGN), Walk and Turn (WAT), and One Leg Stand (OLS) tests and gain a broader knowledge of drug impairment indicators. The law enforcement officer will also be more familiar with the Drug Evaluation and Classification (DEC) Program and its function. This will facilitate better communication and transfer of critical roadside indicators of impairment to the evaluating Drug Recognition Expert (DRE) for a more complete and accurate assessment of the impairment.

This course is a 16-hour classroom course which includes instruction on:

- SFST Review
- The Seven Major Drug Categories
- Signs and Symptomology
- Physiology of Drugs
- Drug Combinations
- Courtroom Testimony
- Report Writing



Drug Recognition Expert Course

The DEC Program trains law enforcement officers and other approved public safety officials as DREs through a three-phase training process:

- DRE Pre-School (16 hours)
- DRE School (56 hours)
- DRE Field Certification (Approximately 40–60 hours)

The training relies heavily on Standardized Field Sobriety Tests (SFSTs), which provide the foundation for the DEC Program. Once trained and certified, DREs become highly effective officers skilled in the detection and identification of persons impaired by alcohol and/or drugs. DREs are trained to conduct a systematic and standardized 12-step evaluation consisting of physical, mental and medical components.

Because of the complexity and technical aspects of the DRE training, not all law enforcement officers may be suited for the training. Experience has shown that training a well-defined group of officers proficient in impaired driving enforcement works well and can be very effective.

The DRE classroom training is designed to assist the student achieve three broad goals and eight specific learning objectives.

Goals:

- Determine if an individual is under the influence of a drug or drugs other than alcohol, the combined influence of alcohol and other drugs, or suffering from an injury or illness that produces similar signs to alcohol/drug impairment;
- Identify the broad category or categories of drugs that would induce the observable signs and symptoms of impairment; and
- Progress to the Field Certification Phase of the training.

Objectives:

- Be able to describe the involvement of drugs in impaired driving incidents;
- Name the seven drug categories and recognize their effects;
- Describe and properly administer the psychophysical and physiological evaluations used in the DRE procedures;
- Prepare a narrative drug influence evaluation report; and
- Discuss appropriate procedures for testifying in typical DRE cases.



DWI Detection and Standardized Field Sobriety Testing (SFST) Training Curriculum

The DWI Detection and Standardized Field Sobriety Testing (SFST) training curriculum prepares law enforcement officers and other qualified persons to conduct the SFSTs during impaired driving (DWI) investigations. This training, developed under the auspices and direction of the NHTSA and the IACP, has experienced remarkable success since its inception in the early 1980s.

The procedures outlined in this course describe how the SFSTs are to be administered under ideal conditions. The SFSTs may not always be administered under ideal conditions in the field because such conditions do not always exist. Even when administered under less than ideal conditions, they will generally serve as valid and useful indicators of impairment. Slight variations from the ideal, *i.e.*, the inability to find a perfectly smooth surface at roadside, may have some effect on the evidentiary weight given to the results; however, this does not necessarily make the SFSTs invalid.