

Analysis of Defense Challenges to Breath- and Blood-Alcohol Testing

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Breath alcohol testing is conducted in the field by specially trained police officers. In spite of the solid scientific principles upon which breath alcohol testing are based, the results of these tests are criticized in court proceedings as being inaccurate and unreliable. Blood alcohol results, though performed by professional scientists in a controlled laboratory setting, are not immune from challenges. The incorporation of recommended practices into breath- and blood- alcohol testing protocols precludes and prevents most of the challenges raised by the defense from occurring. The student will gain practical insight into how to present testimony and/or assist prosecutors in questioning defense witnesses to effectively rebut these challenges

This presentation explores and discusses common, frequent and persistent defense challenges to the validity of breath- and blood- alcohol results. The theory behind each challenge is explained, followed by a realistic assessment of the validity of the challenge in the context of instrumentation, test protocols and implementation of alcohol testing programs. A discussion of how challenges are presented in court, with suggested strategies and resources available to counter them is included in this presentation.