The text in this document is provided for assisting in the preparation of NOEs for court purposes. These templates provide general information that may be covered in testimony by a lab analyst in the listed discipline. For case specific information, attorneys should contact the analyst to discuss their expected testimony.

Content of any case specific alcohol toxicology interpretations (e.g., retrograde extrapolations, number of drink calculations, pharmacological effects, etc.) should be communicated via a written forensic alcohol opinion report authored by the expert.

Forensic Alcohol Supplemental Notice of Expert (NOE) Instructions

Introduction

NOE templates contain foundational topics related to the testing and/or calibration services provided by the laboratory. Some cases will require more information than the NOE template for the testing process can provide (e.g., many suspected DUI cases). In this case, a supplemental NOE is needed containing the additional topics relevant to that specific case, preferably through a forensic alcohol opinion report.

This document contains a list of forensic alcohol-relevant topics that may be applicable to a given case.

Instructions for Preparing Supplemental NOEs

1. Review the facts of the case and any laboratory reports
2. Identify the case type
   1. Ethanol Toxicology
      1. Blood Alcohol (including Serum/Plasma)
      2. Breath Alcohol
   2. Ethanol Testing
      1. Beverage Alcohol
3. Identify Ethanol Interpretation Topics relevant to the case
4. Copy the relevant bullet points into a Supplemental NOE
5. Provide the Supplemental NOE to the appropriate lab staff for review
   1. For blood or beverage alcohol cases – send to the analyst (name and contact info on lab report)
   2. For breath alcohol cases – send to the Scientific Director (currently Charles Foster)

Ethanol Interpretation Topics

Toxicology Topics (Human Samples)

Reference for General Ethanol Interpretation

For additional information on how the crime laboratory analysts interpret ethanol results, see the Interpretation of Ethanol Results Manual located on the crime lab webpage under Quantitative Ethanol Manuals. <https://dps.alaska.gov/Statewide/CrimeLab/Quality-Assurance/QualityAssurance>

Common Forensic Alcohol Interpretation Topics

1. Explain how ethanol affects the human central nervous system.
2. Explain the action of ethanol in the body when it is taken in the form of an ethanolic beverage.
3. Explain the metabolism of ethanol within the human body, including absorption and elimination of ethanol, including the related physiology, pharmacology, and toxicology.
4. Explain whether and to what extent the degree of ethanol impairment of a person can be determined by the amount of ethanol that person has consumed.
5. Explain how the presence of ethanol in the body affects a driver/operator of a motor vehicle/watercraft/aircraft.
6. Discuss that the ability of a person to safely operate a vehicle with ethanol in their system is impaired, which may include a discussion of scientific studies relating ethanol concentration levels to impairment.
7. State that a person who has an ethanol test result similar to that of defendant’s in this case is under the influence of, and is impaired by, ethanol.
8. Explain the number of drinks the defendant would have to consume to reach the ethanol concentration alleged in this case.
9. Determine the ethanol concentration that the defendant could have had at the time he/she was stopped by the police officer based upon the ethanol concentration at the time of the test and any other relevant information which may be provided to the expert during trial.

Breath Alcohol - Additional Interpretation Topics

1. Discuss medical conditions which may cause difficulty or prevent a person from providing an adequate breath sample sufficient to satisfy the sample requirements of the DataMaster DMT, including asthma, emphysema or other respiratory conditions. This may also include the effects of medicinal inhalers used in the treatment of breathing/respiratory disorders.
2. Explain “mouth alcohol” and the impact, if any, this could have on a DataMaster DMT result.
3. Explain what effect, if any, “burping”, “belching”, “regurgitation” or “vomiting” may have on breath testing.

Beverage Alcohol - Additional Interpretation Topics

1. Explain volume determination and the relationship to the Alaska Statutes.
2. Explain the difference between beer, wine, and spirits.