



Providing critical information so you can master the technical and scientific skills necessary to effectively practice DUI casework.





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One of the challenges many lawyers face is deciphering complex technical and scientific language. Traditionally, you have been forced to plough through indecipherable scientific journals, reading and re-reading passages, time and again, trying to get the gist of what the author was trying to say. *You are not alone...* 

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- The articles are written by some of the foremost experts in their respective fields.
- Subscription includes access to the online Forensic Encyclopedia
- Articles from the *DUI Investigation Mastery Series* form the basis for DUIDLA Board Certification exam questions

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## Volume 2\*:

#### **Issue One:**

- 1. COPD & Breath Alcohol Testing
- 2. The Need for More Drug Courts
- 3. The Calibration of Breath Alcohol Testing Devices
- 4. Improving Collaboration with Mental Health Professionals
- 5. Diabetes & Breath Alcohol Testing Part One
- 6. Best Practice in Breath Alcohol Testing Part One Environmental Considerations

#### **Issue Two:**

- 1. Best Practice in Breath Alcohol Testing Part Two Operational Considerations
- 2. Referring to Mental Health & Substance Abuse Professionals
- 3. An Independent Review of the Intoxilyzer 9000 Part One Residual Mouth Alcohol **Detection**
- 4. An Independent Review of the Intoxilyzer 9000 Part Two Specificity of Ethanol Detection
- 5. An Independent Review of the Intoxilyzer 9000 Part Three Radio Frequency Interference
- 6. Conditions Resembling Impairment: DUI and the Effects of Sleepiness

#### **Issue Three:**

- 1. The Use of Expert Witnesses
- 2. Breath Sampling Criteria Part Two The Logistics of Obtaining A Suitable Sample
- 3. Breath Sampling Criteria Part Three Obtaining a Suitable Sample from a Breath Test Subject
- 4. Differences between Private Practitioners & Facility Based Treatment Options
- 5. Breath Testing Error Messages Part One
- 6. Breath Testing Error Messages Part Two

#### **Issue Four:**

- 1. Breath Testing Error Messages Part Three Deficient Samples
- 2. Breath Testing Error Messages Part Four Invalid Samples
- 3. Interpretation of Chemical Testing to Confirm Use Cannabis
- 4. Diabetes & Breath Alcohol Testing Part Two
- 5. The Horizontal Gaze Nystagmus Test Through the Eyes of a Former SFST/DRE Staff **Instructor**
- 6. CASE STUDY Potential False-Positive Ethanol Readings of SCRAM Devices





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<sup>\*\*\*</sup> Volume 1 has been permanently archived

## Volume 3:

#### **Issue One:**

- 1. The Importance of the Wait, Deprivation or Observation Period
- 2. Slope Detectors Part 1 Form, Function & Purpose
- 3. Slope Detectors Part 2 Operational Characteristics
- 4. Slope Detectors Part 3 Examining their Reliability
- 5. Understanding Henry's Law
- 6. Harsher Penalties for DUIs: Traveling to Canada with a Conviction

#### Issue Two:

- 1. Discovery Requests in Breath Alcohol Cases Part 1
- 2. Discovery Requests in Breath Alcohol Cases Part 2 (The Big Six)
- 3. Discovery Request in Breath Alcohol Cases Part 3 Operational Logs
- 4. Expert Witnesses Part 1: The Expert Witness as Educator
- 5. Expert Witnesses Part 2: The Expert Witness & Junk Science
- 6. Expert Witnesses Part 3: The Expert Witness as an Educator (Paradigm Shifting)

#### **Issue Three:**

- 1. Case Study The Soberlink Breath Testing Device, Part 1
- 2. Case Study The Soberlink Breath Testing Device, Part 2
- 3. Chewing Tobacco & Breath Alcohol Testing Issues
- 4. Physiological Factors Affecting Breath Test Results, Part 1
- 5. Physiological Factors Affecting Breath Test Results, Part 2
- 6. Aging Drivers: How Old is Too Old to Drive?



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- 1. Why Science Matters So Much in the Era of "Fake News" and Fallacies
- 2. First Impressions: The Dräger DrugTest® 5000 Analyzer
- 3. Cannabidiol (CBD): The Next Weapon in the War Against Opioid Addiction?
- 4. Brain Scan Evidence in Criminal Sentencing: A Blessing or a Curse
- 5. Why a DUI Conviction Restricts Your Client Entering into Canada
- 6. Fatal Flaws Identified in the Minnesota Breath Test Program

## Volume 4:

#### **Issue One:**

- 1. Hope for Cannabis as a Treatment for Opioid Addiction
- 2. Cannabis: Misinformation About CBD can be Life-Threatening
- 3. Now that Cannabis is Legal, Let's Use it to Tackle the Opioid Crisis
- 4. Breath Alcohol Basics: How it Works & What Can Go Wrong
- 5. Retrograde Extrapolation & Widmark, Re-visited
- 6. An Interview with New York Times Reporter Stacy Cowley



#### **Issue Two:**

- 1. NPR Radio's "1A" Interview with Jessica Silver-Greenberg, Joesph Bernard & Jan Semenoff
- 2. The Use of Therapeutic Drug Range Charts in DUI Cases
- 3. Alcoholic? Me? How to Tell if your Holiday Drinking is Becoming a Problem
- 4. Hangovers Happen as Your Body Tries to Protect Itself from Alcohol's Toxic Effects
- 5. Hangovers: This is What Happens to Your Body When You've Had One Too Many
- 6. Forensic Evidence Offers Only Probabilities, Not Guaranteed that Justice will be Served

#### **Issue Three:**

- 1. Fingerprinting to Solve Crimes: Not as Robust as You Think
- 2. How Big Will the Coronavirus Be? An Epidemiologist Updates His Concerns
- 3. Homemade Hand Sanitizer Recipes That Could Protect Against Coronavirus
- 4. BONUS ARTICLE: 7 Science-Based Strategies to Cope with Coronavirus Anxiety
- 5. BONUS ARTICLE: Made by Humans: A Recipe for Innovation
- 6. BONUS ARTICLE: Remote Work Amid the Coronavirus Pandemic: 3 Solutions
- 7. Radio Frequency Interference & Breath Alcohol Testing
- 8. Anatomy of a Scandal: Michigan's DUI Program Under Fire
- 9. Breath Testing in the Age of COVID

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- 1. What Doctors Know about the Lingering Effects of Coronavirus
- 2. How COVID-19 Might Increase Risk of Memory Loss and Cognitive Decline
- 3. The Effect of Hand Sanitizers on Urinalysis
- 4. An Introduction to Drug Recognition Evaluation Protocols
- 5. Guilty or Innocent? In Virtual Courtrooms, the Absence of Non-Verbal Cues May Threaten Justice
- 6. COVID Stress Syndrome: 5 Ways the Pandemic is Affecting Mental Health
- 7. BONUS ARTICLE: Seven Mental Health Coping Tips for Life in the Time of COVID-19

## Volume 5:

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- 1. Alcohol A Beverage as Old as Time
- 2. Standard Drinks Quantifying the Dosage of Ethanol
- 3. The Dissipation of Fresh Mouth Alcohol and its Effect on Breath Alcohol Readings
- 4. The Effect of Hand Sanitizer on Blood Biomarker Analysis
- 5. An Introduction to the Standardized Field Sobriety Tests
- 6. How Corruption in Forensic Science is Harming the Criminal Justice System

#### **Issue Two:**

- 1. GERD and Breath Alcohol Testing Part 1 (VIDEO)
- 2. GERD and Breath Alcohol Testing Part 2 (VIDEO)
- 3. Breath Testing & Immediate Roadside Prohibition Programs: Deconstructing Safeguards (VIDEO)
- 4. Bariatric Surgeries and their Effect on Alcohol Metabolism (VIDEO)
- 5. The Absorption of Ethanol in Humans (VIDEO)
- 6. The "Standard Drink" Approach is Coming to Marijuana

#### **Issue Three:**

- From Rodney King to George Floyd, how video evidence can be differently interpreted in court
- 2. The Distribution of Ethanol in Humans
- 3. Circadian Rhythms and their Effect on Breath Alcohol Concentrations
- 4. What is Drink Spiking?
- 5. Gamma Hydroxybutyrate
- 6. Four Reasons Why Your Tolerance for Alcohol Can Change

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**Volume Five** 

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- 1. The Need to Say it Nicer: The Language of Substance Use Issues
- 2. Covid-19 Long-Haulers & DUI Investigations
- 3. Alcohol Based Hand Sanitizers & Breath Alcohol Testing
- 4. The Metabolism & Elimination of Ethanol in Humans (VIDEO)
- 5. DUI Investigations & COVID-19: UPDATE OCTOBER 2021 (VIDEO)
- 6. The Effect of Asthma Inhaler Contamination on a Breath Test

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## Volume 6:

#### **Issue One:**

- Infrared Spectroscopy & Breath Alcohol Testing Part 1: EM Radiation and Beer's Law (Video)
- 2. Infrared Spectroscopy & Breath Alcohol Testing Part 2: Applied Spectroscopy
- 3. Infrared Spectroscopy & Breath Alcohol Testing Part 3: Window on a Molecule (Specificity)
- 4. Cannabis Impaired Driving
- 5. An Introduction to DUI Investigations
- 6. Establishing Reliability: Standardized Acts, Practices, and Conditions

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- 1. The Blood to Breath Ratio: Creating a Presumption
- 2. An Introduction to Fuel Cells
- 3. An Introduction to Alcohol Screening Devices
- 4. Infrared Evidentiary Breath Testing Devices Part 1
- 5. Infrared Evidentiary Breath Testing Devices Part 2
- 6. An Introduction to Retrograde Extrapolation Part 1



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- 2. A Metric System Primer
- 3. Bell Curves & Standard Deviations
- 4. Breath Sampling Criteria Part 1 (Determining Sample Suitability)
- 5. The Effects of Alcohol at Altitude
- 6. The Stages of Alcohol Impairment & Intoxication

- 1. New Drunk Driving Technology -Driver Monitoring Systems
- 2. COVID-19 Can Cause Lasting Lung Damage
- 3. Breath Sampling Criteria Part 2 (Falsely Interpreted Refusals)
- 4. In Search of Scientific Literacy
- 5. The Small Statured Test Subject
- 6. Isopropanol & Fuel Cell Breath Alcohol Testers

## Volume 7:

# COUNTERPOINT The Journal of Science and the Law Volume Seven

#### **Issue One:**

- 1. Head Injury or Drug of Abuse? What caused your client's indicia of impairment?
- 2. Alcohol use widely accepted in the US, but moderate consumptions is associated with risks
- 3. Specialized Police Units
- 4. Determining Blood Alcohol Concentrations
- 5. Auto Brewery Syndrome
- 6. The Retrograde Webinar 2023

#### **Issue Two:**

- 1. Drugs that melt away pounds still present more questions than answers
- 2. The Calibration of Breath Alcohol Testing Devices
- 3. Dilated Pupils Was it Drugs or Something Else?
- 4. ADHD in Adults
- 5. Smoking or Vaping
- 6. Semaglutides, Liraglutides, and Ketone Production

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#### **Issue Three:**

- 1. The Distillation of Still Spirits
- 2. Introduction to the SFSTs, Part 1
- 3. Introduction to the SFSTs, Part 2
- 4. Using Science in DWI Trails
- 5. **Breath Test Basics** Video (1:14:09)
- 6. Horizontal Gaze Nystagmus in Depth

#### **Issue Four:**

- 1. The Walk and Turn and One Leg Stand Tests
- 2. The Mellanby Effect
- 3. GERD & Breath Alcohol Testing An Old Case Study
- 4. Measurement Concepts in Forensic Readings; Part 1 Accuracy, Precision, & Reliability
- 5. Measurement Concepts in Forensic Readings; Part 2 Truncation versus Rounding
- 6. Measurement Concepts in Forensic Readings; Part 3 Resolution, Traceability, Range, & Bias

### Volume 8 starts in March 2024





## Introducing:

## The DUI Investigations Mastery Series

## Mobile Learning Modules

Exclusive to DUIDLA members is access to the *DUI Investigations Mastery Series*. The program creates a core curriculum designed to take the new practitioner through to mastery levels of proficiency in DUI cases. In general, each of the nine *courses* follows this format:

- A downloadable/printable performance **support learning guide** that guides you through the course
- An introductory **video** establishing scope and goals
- Each individual *module* within the course will contain:
  - o An **introductory video** that provides a course overview
  - **Links** to *Counterpoint* articles and educational videos
  - o **Supplemental reading** lists that are referenced with each article
  - o **Downloadable support material** where appropriate



- A *mobile learning package* summarizing materials presented, highlighting key points, drawing the participant towards incorporation of the material into their daily practice
  - o Interactive question / answer format to help the participant confirm mastery of the key points
- **Online** *webinars* to allow for discussion, additional questions, and interaction among participants.

Finally, an *optional written examination* with completion certificate is available. These will be held in conjunction with the Spring and Fall DUIDLA seminars.



## In partnership with the DUIDLA:

Participation in the *DUI Investigations Mastery Series* is EXCLUSIVE and FREE to members of the DUIDLA with *Counterpoint* subscriptions.

- However, to access reading and support materials, course participants may need to subscribe to back volumes of **Counterpoint** (Volumes 2-7) at the discounted subscription cost of \$50 USD per volume.
  - This will allow access to ALL 9 Courses, currently consisting of 60 modules with over 140 articles and an increasing compliment of educational videos.



## The Core Skills Courses (Levels I & II)

An Introductory Overview to DUI Casework

#### Goals of the Core Skills Courses

The *Core Skills* courses are designed to introduce the beginning practitioner to DUI investigations. These courses emphasize general understanding of methodologies, technologies, and the basic science behind DUI investigations. These course skills will provide information similar to those programs that qualify police breath test technicians.



Consisting of 5 modules with 19 articles and 10 videos, the *Core Skills I Course* focuses on a general explanation of the methodologies, the technologies, and the basic science behind DUI investigations. The course is perfect for the new DUI practitioner. AVAILABLE NOW!

The **Core Skills II & III** courses build upon concepts presented in **Core Skills I**. They explain fundamental scientific concepts necessary for the understanding of how breath alcohol testing works, and more importantly, how and why it *should* work that way... Coming 2024

## The Foundational Skills Courses (Levels I & II)

Coming in 2024 - 2025

Best Practice in DUI Investigations

Goals of the Foundational Skills Courses

The Foundational Skills courses are designed to broaden the fundamental knowledge of Core Skills participants. Emphasis will be placed on identifying both suitable and unsuitable breath test results and formulating a solid trial approach based on sound scientific principles.



The **Foundational Skills I** modules are designed to give participants the ability to identify both suitable and unsuitable breath test results and identifying logical trial objectives that a jury can understand.

The **Foundational Skills II** course will focus on critical issues in DUI investigations. It will examine advanced issues in the SFSTs, human physiology and alcohol, problems with retrograde extrapolations, and important discovery requests.



## The Advanced Skills Courses (Levels I & II)

Identifying Substandard DUI Investigations

Goals of the Advanced Skills Courses

The *Advanced Skills* courses are designed to increase the abilities of *Core* and *Foundational Skills* participants. Greater emphasis will be placed on identifying problematic issues in police practice and technology that negatively impact the reliability of breath test results, and in establishing a solid trial strategy that addresses these issues.



**The Advanced Skills I** course is designed to identify faulty performance in police implementation of technology that impacts breath test results, and in formulating a rational trial course based on sound scientific principles.

The **Advanced Skills II** course is designed to provide further enrichment for *Core* and *Foundational Skills* participants. Focus will be placed on identifying substandard acts, practices, and conditions in police performance that creates false positive readings, and in communicating a logical trial approach that will identify these shortcomings.



### The Mastery Skills Course (Levels I & II)

Coming in 2026 - 2027

Advanced Issues in DUI Investigations

Goals of the Mastery Skills Courses

The *Mastery Skills* courses are designed to enrich the depth and experience of *Core, Foundational,* and *Advanced Skills* participants. Complex and challenging issues in breath alcohol, blood alcohol, and complex DUI investigations involving both drugs and alcohol, severe medical conditions, and traffic accidents will be presented.



The **Mastery Skills I** course will introduce DUI investigations involving both prescription medications and illicit narcotics. Different assumptions are made in establishing impairment by drugs. *How do these affect your client?* 

The **Mastery Skills II** course will discuss management of serious DUI cases involving accidents, fatalities, blood draws, and urinalysis. It is intended for advanced practitioners in DUI investigations.





## Volume 8 starts in March 2024

Upcoming Counterpoint articles include:

- SFST False Positive Rates
- THC Uptake
- Measurement Uncertainty in Forensic Testing
- · Hair Segmentation and Follicle Testing
- And much more...

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*Counterpoint* has been adopted as the in-house educational journal of the DUIDLA:

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  - (\$50 per volume)
- Access the DUI Investigations Mastery Series \* of online articles and videos – Exclusive to DUIDLA Members.



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<sup>\*</sup> Access to Counterpoint Volumes 2-7 required for access to the DUI Investigation Mastery Series