



## Jurisprudence Section – 2006

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### **E1 The Reliability of a Controlled Substance Field Test Kit as a Basis for Probable Cause**

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The goal of this presentation is to show practicing attorneys and expert witnesses the limitations of a controlled substance field test kit as a method for identification when a specific identification is crucial to establishing probable cause. The reliability of field test results will be explored along with their application to a specific case. Photographs that demonstrate the positive responses of the field test kits to non-controlled substances will be on display.

This presentation will serve the legal community as well as the general population by educating those who are involved in the prosecution and defense of controlled substances cases as to the reliability of controlled substance field test kits so as to properly assess their value in establishing probable cause to support a search warrant on a residence. It is recommended that attorneys be aware of the limited uses of field test kits to establish probable cause so as to properly challenge their misuse in securing a search warrant.

The field test kits used for cocaine detection are notably non-specific for cocaine and are susceptible to a number of false positives. These field tests give a non-distinctive, positive response to cocaine, other drugs and a wide variety of household food and utility products. Therefore, as a stand-alone basis for probable cause for a search warrant on a private residence, the use of results from a field test kit for cocaine should be limited to only those situations where there is corroborating evidence as to the identity of the substance being tested.

#### **Controlled Substances, Field Test, Probable Cause**