



K37 Evaluation of Analytical Toxicology Test Data in Criminal Prosecutions and Civil Litigations

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After attending this presentation, attendees will understand the significance and benefits of data review for all litigations involving toxicological analyses as well as the potential pitfalls of not having data reviewed.

So often, litigation involving toxicological issues focuses solely on the interpretive aspects of reported analytical results. However, the predicate is that the interpretation is based on good analytical data. Experience has demonstrated that this is not always the case. Thus, the independent review of analytical data is critical before any interpretive issues can be deduced. This presentation will impact the forensic community and/or humanity by highlighting the duality of the forensic toxicologist as both bioanalytical chemist and toxicologist and the importance and necessity of both roles.

The duties and responsibilities of the forensic toxicologist include: qualitative and quantitative analysis of drugs or poisons in biological specimens; and the interpretation of the analytical findings as to the physiological or behavioral effects upon the specimen donor, whether living or at the time of his death. It is most often in the role of interpreter of drug or poison effects that the toxicologist is subjected to adversarial questioning in legal proceedings. Usually, the actual analytical testing that gives rise to the basis of his interpretations is seldom questioned. This assumption of properly performed and documented analytical testing is well justified in certain areas of toxicology such as in the highly regulated urine drug testing industry or in blood and breath alcohol testing in cases of impaired driving. However, in many criminal cases or civil litigations, particularly those involving drugs or poisons not commonly encountered in toxicology testing, it is prudent for attorneys to obtain copies of the analytical testing data for review by an experienced forensic toxicologist. The significance and often surprising revelations of such a review will be highlighted by example cases.

Toxicology, Data, Analysis