Forensic Oversight Board Meeting- 6/14/24

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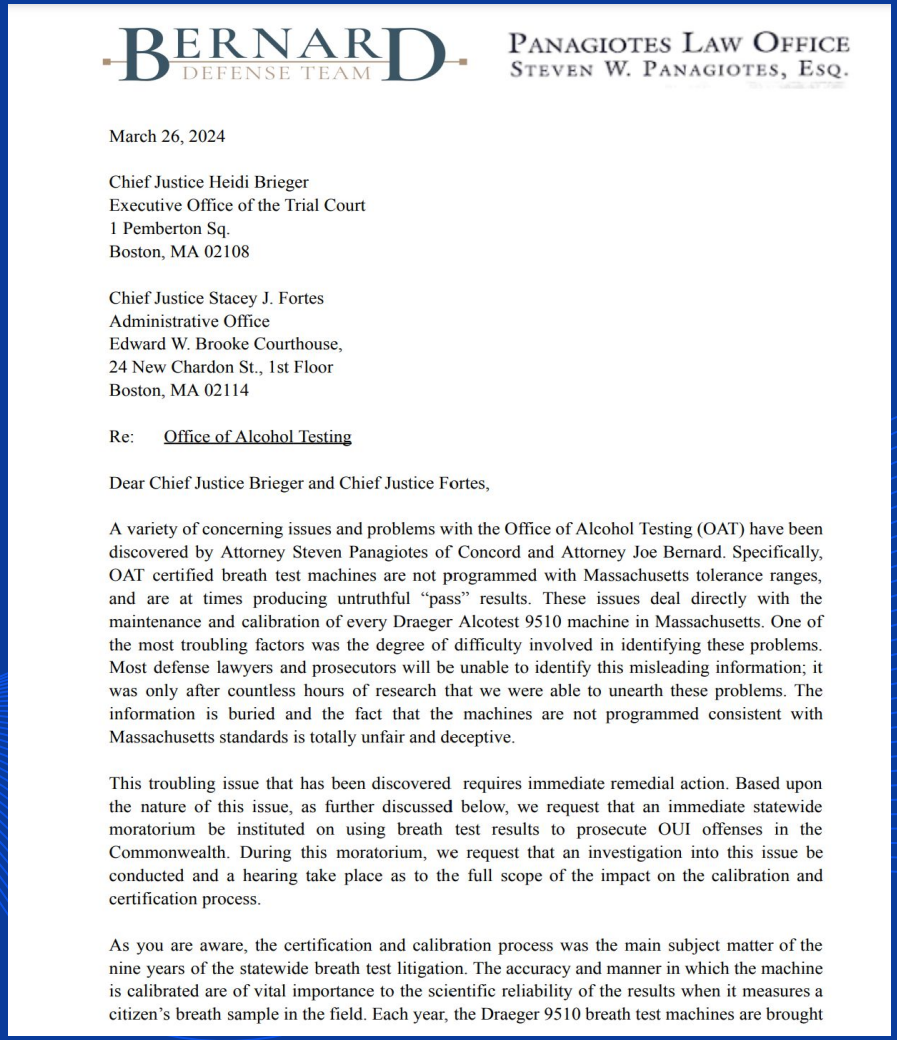
Letter to Chief Justices

- On March 26, 2024 a letter was sent to the Chief Justices regarding the breath test machines not being programmed with Massachusetts OAT tolerance ranges.



BERNARD DEFENSE TEAM

PANAGIOTES LAW OFFICE
STEVEN W. PANAGIOTES, ESQ.

March 26, 2024

Chief Justice Heidi Brieger
Executive Office of the Trial Court
1 Pemberton Sq.
Boston, MA 02108

Chief Justice Stacey J. Fortes
Administrative Office
Edward W. Brooke Courthouse,
24 New Chardon St., 1st Floor
Boston, MA 02114

Re: Office of Alcohol Testing

Dear Chief Justice Brieger and Chief Justice Fortes,

A variety of concerning issues and problems with the Office of Alcohol Testing (OAT) have been discovered by Attorney Steven Panagiotes of Concord and Attorney Joe Bernard. Specifically, OAT certified breath test machines are not programmed with Massachusetts tolerance ranges, and are at times producing untruthful "pass" results. These issues deal directly with the maintenance and calibration of every Draeger Alcotest 9510 machine in Massachusetts. One of the most troubling factors was the degree of difficulty involved in identifying these problems. Most defense lawyers and prosecutors will be unable to identify this misleading information; it was only after countless hours of research that we were able to unearth these problems. The information is buried and the fact that the machines are not programmed consistent with Massachusetts standards is totally unfair and deceptive.

This troubling issue that has been discovered requires immediate remedial action. Based upon the nature of this issue, as further discussed below, we request that an immediate statewide moratorium be instituted on using breath test results to prosecute OUI offenses in the Commonwealth. During this moratorium, we request that an investigation into this issue be conducted and a hearing take place as to the full scope of the impact on the calibration and certification process.

As you are aware, the certification and calibration process was the main subject matter of the nine years of the statewide breath test litigation. The accuracy and manner in which the machine is calibrated are of vital importance to the scientific reliability of the results when it measures a citizen's breath sample in the field. Each year, the Draeger 9510 breath test machines are brought

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Timeline:

- **October 2023-** OAT reached out to Draeger for explanation
- **November 2023-** Sent FOIA Request
- **December 2023-** Draeger responded to OAT
- **December 2023-** Received FOIA Response
- **January 2024-** OAT emailed Joe Bernard Draeger Response
- **February 2024-** Joe Bernard emailed OAT back regarding question not being answered
- **March 2024-** Letter was sent to the Chief Justices
- **April 8th, 2024-** Meeting with BT Working Group- discussed having OAT mark the worksheets as 'Failed'
- **June 20th, 2024-** Have not heard an update regarding a remedy yet, but there will be a BT Working Group meeting on this date.

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Communication Between OAT & Draeger in 2018 Before Accreditation-Obtained via FOIA Request

OAT to Draeger-May 2018:

"We're working on rewriting our 9510 certification protocol to prepare for applying for accreditation and we're trying to understand the reasoning behind some of our previously established acceptable tolerances. Are you available this week to discuss some of the technical aspects? I don't know if you have any firsthand knowledge of the discussions between OAT and Draeger when they were establishing these ranges or if we should also reach out to Hansueli. Here are some of the questions that we have:

1) Currently our check of the 0.100% wet auto-adjustment is set at +/-3% but our 0.100% dry verification immediately after is set to +/-1% followed by a manual adjust if necessary. Is there a reason why the dry is much tighter? Should it be that tight? What possible ramifications could occur from widening the dry tolerance and/or making them the same?
2) Our 0.400% verification followed by manual adjustment if necessary is at +/-2% while the "calibration" steps afterward are all set to 4%. Is there a reason that the 0.400% is tighter?

Draeger to OAT:

"Would Thursday May 24 at 11 am EDT work for you? If so, Hansueli and I are available then. I set up a conference line for this:
Dial-in : +1 215 660 2600
Conference ID: 89071673"

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Email Communication Between OAT & Draegar- 2023

OAT reached out to Draegar for more information in regards to what causes the machine to provide the ‘Pass’ or ‘Fail’ message.

OAT to Draegar on October 27, 2023:

“I was hoping you might be able to answer a question for us. I have received a couple inquiries from attorneys here in Massachusetts about the “Certification Test Results” and “Verification Test Results” parameters on the Massachusetts 9510 for the tests that OAT runs during our certification of an instrument. I am trying to determine which parameters cause these fields to read “FAIL” on the printouts generated during each of the types of tests that OAT runs. OAT has its own internal ranges and limits that analysts evaluate the IR and EC readings against, but I am trying to find the parameters set in the instrument by Draeger that cause “Certification Test Results” and “Verification Test Results” to read “PASS” or “FAIL.” Is this something you can provide us or is there any documentation that we could share that explains the parameters set in the instrument to determine the results of those fields?

For reference, the following are the tests performed by OAT during certification that we are looking for:
0.100 adjustment check (ethanol solution; calibration procedure)
0.100 verification test (dry gas; verification test)
0.400 verification test (ethanol solution; verification test)
0.200 calibration test (dry gas; verification test)
0.080 calibration test (dry gas; verification test)
0.020 calibration test (dry gas; verification test)
0.080 quality control test (ethanol solution; verification test)

Please let me know at your earliest convenience whether this is something you can assist us with or if there is someone else at Draeger that you can connect us with to get this information. Thanks for your time and assistance.”

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Email Communication Between OAT & Draegar- 2023

Draegar to OAT on December 19, 2023:

"This information is based on your instrument configuration version 1.56. The MA instrument uses PERCENT BAC as the measurement unit.

Measurement Procedure 8:

0.100 adjustment check (ethanol solution; calibration procedure) – Adjustment Procedure menu item
The tolerances in this procedure are: 0.005 percent BAC absolute or 5% relative, whichever is greater.

Measurement procedure 10:

- 0.100 verification test (dry gas; verification test) – Verification Test menu item
- 0.400 verification test (ethanol solution; verification test) – Verification Test menu item
- 0.200 calibration test (dry gas; verification test) – Verification Test menu item
- 0.080 calibration test (dry gas; verification test) – Verification Test menu item
- 0.020 calibration test (dry gas; verification test) – Verification Test menu item
- 0.080 quality control test (ethanol solution; verification test) – Verification Test menu item

The tolerances are 0.010 percent BAC absolute or 7% relative, whichever is greater. In measurement procedure 10 the operator can choose the target concentration, gas type and gas inlet, however the tolerances are fixed. Anticipating a potential additional question, the tolerance window is inclusive (PASS) at the exact tolerance limits.

Please let us know if you need additional information."

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Communication Between Joe Bernard & OAT- Dies On The Vine

Joe Bernard Email to OAT Regarding Draeger Response on February 2024:

“I have been reviewing all of your responses, and I so appreciate the work, but I don’t think Brian Shaffer answers the question we need answered. You have informed me in previous emails and conversations that all standards have a different tolerance ranges than what the machine is programmed by Draeger during the certification process. What we want to know are the specific tolerance ranges set in the machine versus what OAT is utilizing. As you have said OAT’s tolerance ranges are more narrow than the machine settings but could you specifically inform me of the tolerance ranges? Could you send me these two sets of tolerance ranges, so I could see them?

Sincerely,

Steve and Joe"

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OAT Monitoring Certification Process

- OAT is monitoring both the tolerance ranges and limits.
- Possibility of Human Error-
  - The process set in place with OAT has a human monitoring the tolerance range and limits due to OAT's set ranges & limits being different from what is programmed in the machine.
  - Defense attorneys are trusting the machine to catch issues during our client's BT, but we cannot trust the machine to determine if a machine passes or fails certification at a specific ethanol concentration

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ISO 17025- Scientifically Not Precluded

What is ISO 17025?

- ISO/IEC is the main standard used by testing and calibration laboratories. It is the standard for which most labs must hold accreditation in order to be deemed technically competent.

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Tolerance Ranges- Found in the Certificate of Calibration Procedure- Issued in September 2014

Ethanol Concentration	Acceptable Ranges	Acceptable Limits
0.100% wet	0.097% - 0.103%	+/- 0.003
0.100% dry	0.099%-0.101%	+/- 0.002
0.400% wet	0.392%-0.408%	+/- 0.005
0.200% dry	0.195%-0.205%	+/- 0.005
0.080% dry	0.075% - 0.085%	+/- 0.003
0.020% dry	0.017%-0.023%	+/- 0.003
0.080% wet	0.075% - 0.085%	+/- 0.003

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Tolerance Ranges- Found in the Certificate of Calibration Procedure- May 2016-2017

Ethanol Concentration	Current Acceptable Ranges	Current Acceptable Limits
0.100% wet	0.097% - 0.103%	+/- 0.003
0.100% dry	0.099% - 0.101%	+/- 0.002
0.400% wet	0.392% - 0.408%	+/- 0.005
0.200% dry	0.192% - 0.208%	+/- 0.005
0.080% dry	0.074% - 0.086%	+/- 0.003
0.020% dry	0.016% - 0.024%	+/- 0.003
0.080% wet	0.074% - 0.086%	+/- 0.003

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Most Updated Tolerance Ranges- Found in the Certificate of Calibration Procedure for the Alcotest 9510- October 2022

13 Appendix 1

Ethanol Concentration	Acceptable Ranges	Acceptable Limits
0.100% wet	0.097% - 0.103%	+/- 0.003
0.100% dry	0.097% - 0.103%	+/- 0.003
0.400% wet	0.388% - 0.412%	+/- 0.005
0.200% dry	0.190% - 0.210%	+/- 0.005
0.080% dry	0.075% - 0.085%	+/- 0.003
0.020% dry	0.015% - 0.025%	+/- 0.003
0.080% wet	0.075% - 0.085%	+/- 0.003

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6.2 Adjustment Check using 0.100% Wet- Procedure

Adjustment Check using 0.100% Wet 6.2.1 When instrument screen prompts for the calibration check, remove simulators and attach 0.100% OAT manufactured solution tandem simulators. Connect the short silicone hose to the Cuvette Inlet (Diagram 1) and insert the adaptor connected to the clear hose to the Simulator Standard Pump Outlet Port (Diagram 1).

6.2.2 Initiate adjustment check process by pressing “OK”.

6.2.3 Review the Adjustment Check Test Results printout after it prints to determine if results are within the following acceptance criteria:

6.2.4 The IR and EC results must fall within the range of 0.097% - 0.103% alcohol content.

6.2.5 The IR and EC results (n=6) must agree within +/- 0.003 alcohol content of each other.

6.2.6 If the results fall within the acceptance criteria, remove simulators from the instrument and proceed to Verification Test and Manual Adjustment (section 6.3).

6.2.7 If the adjustment check results are outside the acceptance criteria, repeat the adjustment (section 6.1) and adjustment check (section 6.2) once. If the results still do not fall within acceptance criteria, consult with a supervisor to stop the certification procedure and document this on the BT Certification Form. The instrument shall be labeled as “Out of Service”. Certification may be attempted again at a later date. If the adjustment check results are still outside of the acceptance criteria, consult with a supervisor to determine if the instrument will be sent for repair.

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ARBE-0044- Sturbridge PD

Massachusetts Office of Alcohol Testing
Calibration Report

Sturbridge PD

Test Date: 04/02/2015 Sequential Test #: 409

Certification Test Results: FAIL

Breath Test Instrument Information

Model Number	Serial Number	Firmware Version
Alcotest 9510	ARBE-0044	8322232 0.7.1

Calibration Device / Standard Information

	Model Number / Lot Number	Serial Number / Concentration	Expiration Date
Cal Simulator:	GUTH 2100	DR6310	08/07/2015
Cal Standard:	8152	0.100	12/31/2016

Calibration Check Device / Standard Information

	Model Number / Lot Number	Serial Number / Concentration	Expiration Date
Cal Check Simulator:	GUTH 2100	DR6082	08/08/2015
Cal Check Standard:	8151	0.100	07/13/2015

Test Sequence Details

Function	Result %BAC	Time HH:MM:SS
Air Blank Test	0.000	08:13:51
Calibration Check IR	0.096	08:14:16
Calibration Check EC	0.096	08:14:16
Air Blank Test	0.000	08:15:51
Calibration Check IR	0.095	08:15:52
Calibration Check EC	0.094	08:15:52
Air Blank Test	0.000	08:17:27
Calibration Check IR	0.090	08:17:29
Calibration Check EC	0.095	08:17:29
Air Blank Test	0.000	08:18:18

Analyst: DANIEL J. RENCZKOWSKI

Signature: DJR Signature Date: 04/02/2015

Not within acceptable *limit* by OAT standards or the machine's standards

Massachusetts Office of Alcohol Testing
Calibration Report

Sturbridge PD

Test Date: 04/02/2015 Sequential Test #: 410

Certification Test Results: PASS

Breath Test Instrument Information

Model Number	Serial Number	Firmware Version
Alcotest 9510	ARBE-0044	8322232 0.7.1

Calibration Device / Standard Information

	Model Number / Lot Number	Serial Number / Concentration	Expiration Date
Cal Simulator:	GUTH 2100	DR6310	08/07/2015
Cal Standard:	8152	0.100	12/31/2016

Calibration Check Device / Standard Information

	Model Number / Lot Number	Serial Number / Concentration	Expiration Date
Cal Check Simulator:	GUTH 2100	DR6082	08/08/2015
Cal Check Standard:	8151	0.100	07/13/2015

Test Sequence Details

Function	Result %BAC	Time HH:MM:SS
Air Blank Test	0.000	08:25:36
Calibration Check IR	0.097	08:26:00
Calibration Check EC	0.095	08:26:00
Air Blank Test	0.000	08:27:35
Calibration Check IR	0.097	08:27:37
Calibration Check EC	0.095	08:27:37
Air Blank Test	0.000	08:29:11
Calibration Check IR	0.097	08:29:12
Calibration Check EC	0.095	08:29:12
Air Blank Test	0.000	08:30:00

Analyst: DANIEL J. RENCZKOWSKI

Signature: DJR Signature Date: 04/02/2015

Outside acceptable *range* of 0.097-0.103 %

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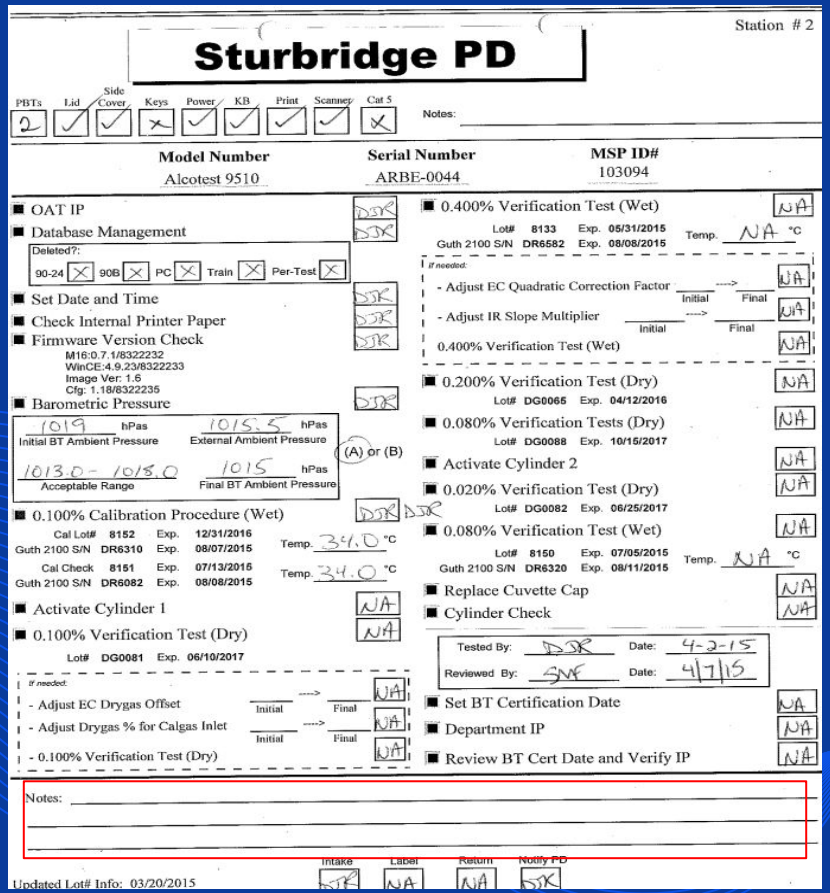
Failed Certification -Ethanol Concentration 0.100%



Station # 2

Sturbridge PD

PBTs: 2 | Lid: ✓ | Side Cover: ✓ | Keys: X | Power: ✓ | KB: ✓ | Print: ✓ | Scanner: ✓ | Cat 5: X

Notes:

Model Number	Serial Number	MSP ID#
Alcotest 9510	ARBE-0044	103094

- OAT IP — DJK
- Database Management — DJK

Deleted?: 90-24 X | 90B X | PC X | Train X | Per-Test X

- Set Date and Time — DJK
- Check Internal Printer Paper — DJK
- Firmware Version Check — DJK

M16:0.7.1/8322232
WinCE:4.9.23/8322233
Image Ver: 1.6
Cfg: 1.18/8322235

- Barometric Pressure — DJK

1019 hPas Initial BT Ambient Pressure
1015.5 hPas External Ambient Pressure
(A) or (B)
1013.0 - 1015.0 Acceptable Range
1015 hPas Final BT Ambient Pressure

- 0.100% Calibration Procedure (Wet) — DJK DJK

Cal Lot# 8152 Exp. 12/31/2016
Guth 2100 S/N DR6310 Exp. 08/07/2015 Temp. 34.0 °C
Cal Check 8151 Exp. 07/13/2015
Guth 2100 S/N DR6082 Exp. 08/08/2015 Temp. 34.0 °C

- Activate Cylinder 1 — NA
- 0.100% Verification Test (Dry) — NA

Lot# DG0081 Exp. 06/10/2017

If needed:
- Adjust EC Drygas Offset — Initial ---> Final — NA
- Adjust Drygas % for Calgas Inlet — Initial ---> Final — NA
- 0.100% Verification Test (Dry) — NA

- 0.400% Verification Test (Wet) — NA

Lot# 8133 Exp. 05/31/2015
Guth 2100 S/N DR6582 Exp. 08/08/2015 Temp. NA °C

If needed:
- Adjust EC Quadratic Correction Factor — Initial ---> Final — NA
- Adjust IR Slope Multiplier — Initial ---> Final — NA
- 0.400% Verification Test (Wet) — NA

- 0.200% Verification Test (Dry) — NA

Lot# DG0065 Exp. 04/12/2016

- 0.080% Verification Tests (Dry) — NA

Lot# DG0088 Exp. 10/15/2017

- Activate Cylinder 2 — NA
- 0.020% Verification Test (Dry) — NA

Lot# DG0082 Exp. 06/25/2017

- 0.080% Verification Test (Wet) — NA

Lot# 8150 Exp. 07/05/2015
Guth 2100 S/N DR6320 Exp. 08/11/2015 Temp. NA °C

- Replace Cuvette Cap — NA
- Cylinder Check — NA

Tested By: DJK Date: 4-2-15
Reviewed By: SNF Date: 4/7/15

- Set BT Certification Date — NA
- Department IP — NA
- Review BT Cert Date and Verify IP — NA

Notes:

Updated Lot# Info: 03/20/2015

Intake: DJK | Label: NA | Return: NA | Notify PD: DJK

-No notes for this specific test

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7.1 Calibration using 0.200% Dry Gas- Procedure

7.1.7.4 If the results do not fall within acceptance criteria, repeat the 0.200% calibration once more.

7.1.8 If the results still do not fall within acceptance criteria, consult with a supervisor and document on the BT Certification Form. The instrument shall be ***labeled as "Out of Service".*** Certification may be attempted again at a later date. If the calibration results are still outside of the acceptance criteria, consult with a supervisor to determine if the instrument will be sent for repair.

Exculpatory?
Ordered in Ananias

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Needle in a Haystack

ARBF-0010- State Police Springfield B3

Massachusetts Office of Alcohol Testing

Calibration **Test Results**

SP Springfield B3

Test Date: 02/21/2023 Sequential Test #: 1948

Verification Test Results: PASS

Breath Test Instrument Information

Model Number	Serial Number	Firmware Version
Alcotest 9510	ARBF-0010	8322232 0.7.1

Calibration Standard Information

Type	Lot Number	Concentration	Expiration	Inlet
DRY	DG0234	0.200	04/12/2024	DrygasInlet1

Test Sequence Details

Function	Result %BAC	Time HH:MM:SS
Air Blank Test	0.000	09:39:10
Calibration Standard IR	0.205	09:39:47
Calibration Standard EC	0.203	09:39:47
Air Blank Test	0.000	09:41:32
Calibration Standard IR	0.205	09:41:46
Calibration Standard EC	0.202	09:41:46
Air Blank Test	0.000	09:43:32
Calibration Standard IR	0.206	09:43:45
Calibration Standard EC	0.200	09:43:45
Air Blank Test	0.000	09:44:23

Not within acceptable limit +/_ 0.005

Analyst: ELIZABETH A. POYANT

Signature: Elizabeth A. Poyant Signature Date: 02/21/2023

Massachusetts Office of Alcohol Testing

Calibration **Test Results**

SP Springfield B3

Test Date: 02/21/2023 Sequential Test #: 1949

Verification Test Results: PASS

Breath Test Instrument Information

Model Number	Serial Number	Firmware Version
Alcotest 9510	ARBF-0010	8322232 0.7.1

Calibration Standard Information

Type	Lot Number	Concentration	Expiration	Inlet
DRY	DG0234	0.200	04/12/2024	DrygasInlet1

Test Sequence Details

Function	Result %BAC	Time HH:MM:SS
Air Blank Test	0.000	10:02:49
Calibration Standard IR	0.206	10:03:26
Calibration Standard EC	0.204	10:03:26
Air Blank Test	0.000	10:05:12
Calibration Standard IR	0.207	10:05:26
Calibration Standard EC	0.202	10:05:26
Air Blank Test	0.000	10:07:12
Calibration Standard IR	0.207	10:07:26
Calibration Standard EC	0.200	10:07:26
Air Blank Test	0.000	10:08:05

Not within acceptable limit +/_ 0.005

Analyst: ELIZABETH A. POYANT

Signature: Elizabeth A. Poyant Signature Date: 02/21/2023

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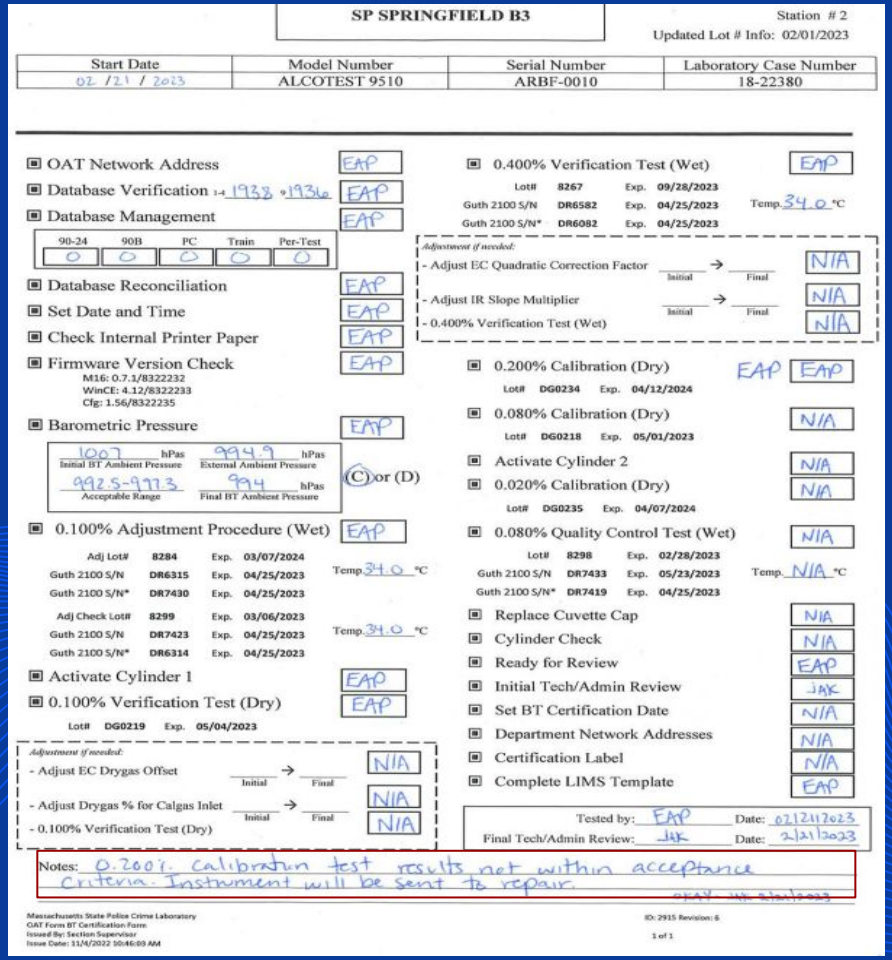
Failed Certification -Ethanol Concentration 0.200% Dry



SP SPRINGFIELD B3

Station # 2
Updated Lot # Info: 02/01/2023

Start Date	Model Number	Serial Number	Laboratory Case Number
02 / 21 / 2023	ALCOTEST 9510	ARBF-0010	18-22380

- OAT Network Address — EAP
- Database Verification 1-4 1938 ▪1936 — EAP
- Database Management — EAP

90-24	90B	PC	Train	Per-Test
0	0	0	0	0

- Database Reconciliation — EAP
- Set Date and Time — EAP
- Check Internal Printer Paper — EAP
- Firmware Version Check — EAP
  M16: 0.7.1/8322232
  WinCE: 4.12/8322233
  Cfg: 1.56/8322235
- Barometric Pressure — EAP

Initial BT Ambient Pressure	External Ambient Pressure
1007 hPas	994.9 hPas
Acceptable Range	Final BT Ambient Pressure
992.5-997.3	994 hPas

(C) or (D)

- 0.100% Adjustment Procedure (Wet) — EAP
  Adj Lot# 8284 Exp. 03/07/2024
  Guth 2100 S/N DR6315 Exp. 04/25/2023
  Guth 2100 S/N* DR7430 Exp. 04/25/2023
  Temp. 34.0 °C
  Adj Check Lot# 8299 Exp. 03/06/2023
  Guth 2100 S/N DR7423 Exp. 04/25/2023
  Guth 2100 S/N* DR6314 Exp. 04/25/2023
  Temp. 34.0 °C
- Activate Cylinder 1 — EAP
- 0.100% Verification Test (Dry) — EAP
  Lot# DG0219 Exp. 05/04/2023

Adjustment if needed:
- Adjust EC Drygas Offset (Initial → Final) — N/A
- Adjust Drygas % for Calgas Inlet (Initial → Final) — N/A
- 0.100% Verification Test (Dry) — N/A

- 0.400% Verification Test (Wet) — EAP
  Lot# 8267 Exp. 09/28/2023
  Guth 2100 S/N DR6582 Exp. 04/25/2023
  Guth 2100 S/N* DR6082 Exp. 04/25/2023
  Temp. 34.0 °C

Adjustment if needed:
- Adjust EC Quadratic Correction Factor (Initial → Final) — N/A
- Adjust IR Slope Multiplier (Initial → Final) — N/A
- 0.400% Verification Test (Wet) — N/A

- 0.200% Calibration (Dry) — EAP EAP
  Lot# DG0234 Exp. 04/12/2024
- 0.080% Calibration (Dry) — N/A
  Lot# DG0218 Exp. 05/01/2023
- Activate Cylinder 2 — N/A
- 0.020% Calibration (Dry) — N/A
  Lot# DG0235 Exp. 04/07/2024
- 0.080% Quality Control Test (Wet) — N/A
  Lot# 8298 Exp. 02/28/2023
  Guth 2100 S/N DR7433 Exp. 05/23/2023
  Guth 2100 S/N* DR7419 Exp. 04/25/2023
  Temp. N/A °C
- Replace Cuvette Cap — N/A
- Cylinder Check — N/A
- Ready for Review — EAP
- Initial Tech/Admin Review — JAK
- Set BT Certification Date — N/A
- Department Network Addresses — N/A
- Certification Label — N/A
- Complete LIMS Template — EAP

Tested by: EAP Date: 02/21/2023
Final Tech/Admin Review: JAK Date: 2/21/2023

Notes: 0.200% calibration test results not within acceptance criteria. Instrument will be sent to repair.
EAP 2/21/2023 JAK 2/21/2023

Massachusetts State Police Crime Laboratory
OAT Form BT Certification Form
Issued By: Section Supervisor
Issue Date: 11/4/2022 10:46:00 AM

ID: 2915 Revision: 6
1 of 1

"0.200% calibration test results not within acceptance criteria."

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7.2 Calibration using 0.080% Dry Gas- Procedure

7.2.1 Repeat the steps for the above 0.200% calibration using a 0.080% cylinder.

7.2.2 Review the Calibration Test Results printout after it prints to determine if the results are within the following acceptance criteria:

7.2.2.1 The IR and EC results must fall within the range of 0.075% - 0.085% alcohol content.

7.2.2.2 The IR and EC results (n=6) must agree within +/- 0.003 alcohol content of each other.

7.2.2.3 If the results fall within the acceptance criteria, proceed to 7.3.

7.2.2.4 If the results do not fall within acceptance criteria, repeat the 0.080% calibration (section 7.2) once more.

7.2.3 If the results still do not fall within acceptance criteria, consult with a supervisor and document on the BT Certification Form. The instrument shall be labeled as “Out of Service”. Certification may be attempted again at a later date. If the calibration results are still outside of the acceptance criteria, consult with a supervisor to determine if the instrument will be sent for repair.

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ARBK-0016- Amherst PD

Massachusetts Office of Alcohol Testing
~~Verification Report~~ GAA 8-30-2019
Calibration Test Results
Amherst PD

Test Date: 08/30/2019 Sequential Test #: 1434

Verification Test Results: PASS

Breath Test Instrument Information

Model Number	Serial Number	Firmware Version
Alcotest 9510	ARBK-0016	8322232 0.7.1

Calibration Standard Information

Type	Lot Number	Concentration	Expiration	Inlet
DRY	DG0169	0.080	10/10/2020	CAL GAS INLET 1

Test Sequence Details

Function	Result %BAC	Time HH:MM:SS
Air Blank Test	0.000	10:34:10
Calibration Standard IR	0.077	10:34:47
Calibration Standard EC	0.078	10:34:47
Air Blank Test	0.000	10:36:16
Calibration Standard IR	0.077	10:36:29
Calibration Standard EC	0.078	10:36:29
Air Blank Test	0.000	10:38:01
Calibration Standard IR	0.081	10:38:15
Calibration Standard EC	0.077	10:38:15
Air Blank Test	0.000	10:38:46

Not within acceptable limit +/_ 0.003

Analyst: GUSTAVO A. AVILA

Signature: _____ Signature Date: 08/30/2019

Massachusetts Office of Alcohol Testing
~~Verification Report~~ GAA 8-30-2019
Calibration Test Results
Amherst PD

Test Date: 08/30/2019 Sequential Test #: 1435

Verification Test Results: PASS

Breath Test Instrument Information

Model Number	Serial Number	Firmware Version
Alcotest 9510	ARBK-0016	8322232 0.7.1

Calibration Standard Information

Type	Lot Number	Concentration	Expiration	Inlet
DRY	DG0169	0.080	10/10/2020	CAL GAS INLET 1

Test Sequence Details

Function	Result %BAC	Time HH:MM:SS
Air Blank Test	0.000	10:41:55
Calibration Standard IR	0.078	10:42:32
Calibration Standard EC	0.079	10:42:32
Air Blank Test	0.000	10:44:04
Calibration Standard IR	0.078	10:44:18
Calibration Standard EC	0.078	10:44:18
Air Blank Test	0.000	10:45:53
Calibration Standard IR	0.074	10:46:07
Calibration Standard EC	0.078	10:46:07
Air Blank Test	0.000	10:46:38

Tolerance outside acceptable range of 0.075- 0.085%

Analyst: GUSTAVO A. AVILA

Signature: _____ Signature Date: 08/30/2019

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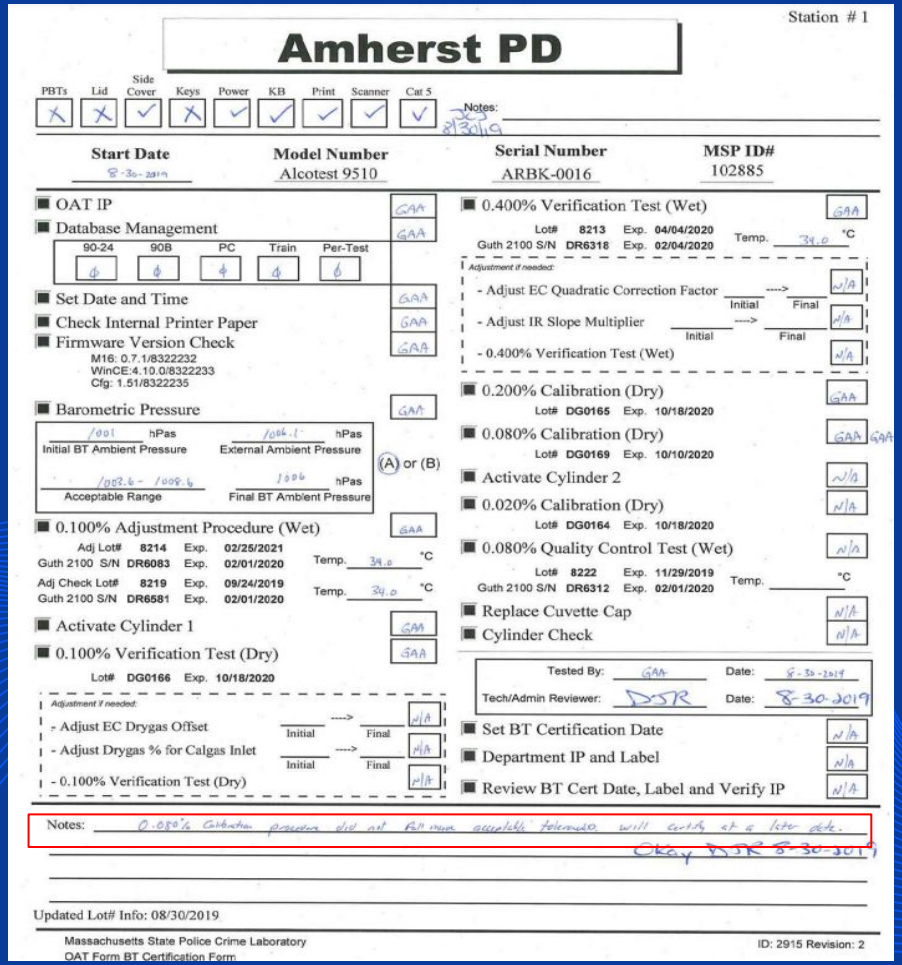
Failed Certification -Ethanol Concentration 0.080% Dry



Station # 1

Amherst PD

PBTs	Lid	Side Cover	Keys	Power	KB	Print	Scanner	Cat 5
X	X	✓	X	✓	✓	✓	✓	✓

Notes: 8/30/19

Start Date	Model Number	Serial Number	MSP ID#
8-30-2019	Alcotest 9510	ARBK-0016	102885

- OAT IP — GAA
- Database Management — GAA

90-24	90B	PC	Train	Per-Test
4	4	4	4	6

- Set Date and Time — GAA
- Check Internal Printer Paper — GAA
- Firmware Version Check — GAA
  M16: 0.7.1/8322232
  WinCE:4.10.0/8322233
  Cfg: 1.51/8322235
- Barometric Pressure — GAA

Initial BT Ambient Pressure	External Ambient Pressure	(A) or (B)
1001 hPas	1004.1 hPas	
Acceptable Range	Final BT Ambient Pressure	
1002.6 - 1008.6	1006 hPas	

- 0.100% Adjustment Procedure (Wet) — GAA
  Adj Lot# 8214 Exp. 02/25/2021
  Guth 2100 S/N DR6083 Exp. 02/01/2020 Temp. 34.0 °C
  Adj Check Lot# 8219 Exp. 09/24/2019
  Guth 2100 S/N DR6581 Exp. 02/01/2020 Temp. 34.0 °C
- Activate Cylinder 1 — GAA
- 0.100% Verification Test (Dry) — GAA
  Lot# DG0166 Exp. 10/18/2020
  Adjustment if needed:
  - Adjust EC Drygas Offset — Initial ---> Final — N/A
  - Adjust Drygas % for Calgas Inlet — Initial ---> Final — N/A
  - 0.100% Verification Test (Dry) — N/A
- 0.400% Verification Test (Wet) — GAA
  Lot# 8213 Exp. 04/04/2020
  Guth 2100 S/N DR6318 Exp. 02/04/2020 Temp. 34.0 °C
  Adjustment if needed:
  - Adjust EC Quadratic Correction Factor — Initial ---> Final — N/A
  - Adjust IR Slope Multiplier — Initial ---> Final — N/A
  - 0.400% Verification Test (Wet) — N/A
- 0.200% Calibration (Dry) — GAA
  Lot# DG0165 Exp. 10/18/2020
- 0.080% Calibration (Dry) — GAA GAA
  Lot# DG0169 Exp. 10/10/2020
- Activate Cylinder 2 — N/A
- 0.020% Calibration (Dry) — N/A
  Lot# DG0164 Exp. 10/18/2020
- 0.080% Quality Control Test (Wet) — N/A
  Lot# 8222 Exp. 11/29/2019
  Guth 2100 S/N DR6312 Exp. 02/01/2020 Temp. °C
- Replace Cuvette Cap — N/A
- Cylinder Check — N/A

Tested By: GAA Date: 8-30-2019
Tech/Admin Reviewer: DSR Date: 8-30-2019

- Set BT Certification Date — N/A
- Department IP and Label — N/A
- Review BT Cert Date, Label and Verify IP — N/A

Notes: 0.080% Calibration procedure did not fall within acceptable tolerances. will certify at a late date.
Okay DSR 8-30-2019

Updated Lot# Info: 08/30/2019

Massachusetts State Police Crime Laboratory
OAT Form BT Certification Form

ID: 2915 Revision: 2

"0.080% calibration procedure did not fall within acceptable tolerances"

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Possible Solutions

- **Open Source?**
  - Software with source code that anyone can inspect and modify.
- **Independent Labs & New Machines?**

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