



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

Alcohol Testing Program
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Charlie Crist, *Governor*
Bill McCollum, *Attorney General*
Alex Sink, *Chief Financial Officer*
Charles H. Bronson *Commissioner of Agriculture*

January 23, 2008

Sgt. Joe Werner
Coral Gables Police Department
Crash Investigation/Traffic Homicide Unit
2801 Salzedo Street
Coral Gables, FL 33134

Dear Sgt. Werner:

This letter is a confirmation of our meeting on January 17, 2008, regarding several breath test done on Intoxilyzer serial number 80-000871, by your agency.

As discussed with you, the operators did not closely follow FDLE/ATP Form 37, Operational Procedures – Intoxilyzer 8000, in that they did not verify the correct cylinder expiration information. Chapter 11D-8.007, F.A.C. requires breath tests must be conducted using these procedures. Also, we discussed the use and care of the agency's registered Intoxilyzer 8000, is the responsibility of the agency inspector (Daniel Smith), also outlined in Chapter 11D-8, F.A.C.

The aforementioned breath tests will need to have the affidavits amended to reflect the correct expiration date of the dry gas cylinder. A printout of each breath tests was provided to you and the correct date for the dry gas cylinder as well.

Please forward me proof of in-house refresher training you state will occur concerning this issue as soon as the training is complete. This will preclude me from scheduling and conducting such training myself.

Thank you, for your help in this matter. Should I be of any further assistance, please don't hesitate to call upon me.

Sandra F. Veiga
Department Inspector

SV

cc: Daniel A. Smith
Laura Barfield



The City of Coral Gables

Police Department

2801 SALZEDO STREET
CORAL GABLES, FLORIDA 33134

February 13, 2008

Sandra F. Veiga
Department Inspector
Alcohol Testing Program
Florida Department of Law Enforcement
1030 NW 111 Avenue
Miami, Florida 33172

Dear Ms. Veiga:

In response to our January 17, 2008 meeting and your January 23, 2008 letter to me regarding incorrect dry gas cylinder expiration dates on various breath tests conducted by my agency from September 2007 through December 2007, on Intoxilyzer 8000, serial number 80-000871, I have taken the following measures:

I then met with you and Officer Danny Smith, our Agency Inspector, on February 12, 2008, to assist me in determining how the default dry gas cylinder expiration date was incorrect from September 2007 through December 2007. We determined the following:

In June of 2007 our Intoxilyzer 8000, serial number 80-000871, was taken out of service and sent to CMI to be serviced. The dry gas cylinder that was removed from the instrument prior to shipment had an expiration date of 06/05/2008 which at that time was set as the default expiration date. That instrument was returned to us on September 2007 and placed back in service with a new dry gas cylinder lot number 705301I. You recently brought to my attention that various breath tests from September 2007 through December 2007 show the correct dry gas cylinder lot number of 705301I with an incorrect expiration date of 06/05/2008. The correct expiration date for dry gas cylinder lot number 705301I is 2/27/2009. Our dry gas cylinders are kept in a secured closet in our DUI room which is only accessible to me and Officer Smith. You produced a computer print out that showed the date the dry gas cylinder was changed in September





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for instrument 80-000871 and the three of us determined that when the instrument was put back into service the default expiration date was not changed by Officer Smith.

Breath Test Officers are required per procedure to verify the dry gas lot number and date of expiration every time they conduct a breath test. BTOs have the ability to change the lot number or expiration date for their individual breath test then the instrument reverts back to the default which is set by the Agency Inspector or Breath Test Operator that performed the last cylinder change. Obviously, the Breath Test Operators that conducted the effected breath tests failed to verify the default dry gas cylinder expiration date. To address this issue either I or Officer Smith has met with all the affected officers to remind them that they must verify the dry gas cylinder lot number and expiration date every time they conduct a breath test. Further, they are to notify Officer Smith or myself if they discover that the defaults are incorrect. I followed this training with an email to all of my BTOs reminding them of proper procedure.

I maintain that all of the effected breath tests are valid and that what happened was a result of human error.

I thank you and Ms. Barfield for bringing this to my attention and you have my assurances that we will do everything possible to prevent this from happening again.

Sincerely,

Sergeant Joe Werner
DUI Coordinator
Coral Gables Police Department
2801 Salzedo Street
Coral Gables, Florida 33134

Cc ASA Patrick Trese
Officer Danny Smith



2008