

Arizona INTOXILYZER NOTICES

INTOXILYZER #80-001020

On **October 25, 2007**, the Phoenix Police Department Crime Laboratory sent the Phoenix Prosecutor's Office a letter regarding Instrument # 80-001020 not retaining memory between September 4, 2007, and September 27, 2007. Click on the document link [Phoenix Police Department Letter](#) to view details.

SCANNED IMAGES

October 26, 2007 Recently, the State reported problems with the images of some of the records that are accessible from this website. Intoxilyzer calibration records completed by personnel at the Phoenix Crime Lab and service work orders completed at CMI, Inc. are originally documented on paper forms. To be viewed by users of this website, these paper documents are scanned and then uploaded to the site. Users view scanned images of the documents.

Earlier this year, some calibration records and service work orders were scanned improperly or the scanned images of these documents were corrupted sometime during the scanning or uploading process. These improperly-scanned or corrupted images were uploaded to the State's website. When the State became aware of this problem, it identified the affected images and properly rescanned the related documents.

But the State did not remove the improperly scanned or corrupted images from its website. Thus, for some instruments, both an improperly-scanned or corrupted image of a calibration record or service work order will be available online next to a properly-scanned image. For the convenience of this website's users, the State identifies the "good" and "bad" images, by instrument and record date, as follows:

[Click here to see a list of all affected records.](#)

Any user attempting to use the "Print Packet" feature to print a collection of record images should be aware that this feature may not operate properly if the collection of records to be printed includes an improperly-scanned or corrupted image. When this occurs, users should print each record in the retrieved collection individually.

On **August 27, 2007**: Intoxilyzer calibration records dated 7/24/2007 and 7/25/2007 for the following instruments are not working properly: 80-000315, 80-000333, 80-000854, 80-000855, 80-000858, 80-00915, 80-000916, 80-001020, 80-001021, 80-001022, 80-001025, 80-001085. As a result, the user cannot use the "print packet" feature to print the records if one of the before-mentioned records is part of the packet. The records may still be opened and printed individually. The affected records are being rescanned and will be re-linked to enable the "print packet" feature to work properly. We anticipate that this modification will be

completed by September 7, 2007. We will update this website if the completion date is going to change.

SOFTWARE CHANGES

On **January 5, 2007**, CMI sent the City of Phoenix a letter regarding software changes. Click on the document link [Software Changes from Version 8105.44 to 8105.46](#) to view details.

SOFTWARE PATCH

On **June 30, 2006** the Prosecutor's Office received information from Forensic Science Section Supervisor Anil Solanky regarding a software patch for the Intoxilyzer 8000. This patch, **which has not yet been received from CMI**, will address the following:

1. Instrument aborts test at + 10%. (0.110 is aborted on a 0.100 cal check). This is within tolerance, not out of tolerance. The less than or EQUAL to was left out of the programming.
2. An alcohol concentration is recorded in COBRA for "Interferents." No value should be reported because by definition it is not ethanol.
3. Start-up diagnostics are not being recorded in COBRA.
4. During subject tests when a diagnostic check fails, the step that failed is not captured in COBRA. It only records "fail" in COBRA but on the subject test print card it actually records which diagnostic check failed.
5. Record % absorption in COBRA.
- 6. Record flow rate and volume. This could be plotted with the flow rate to scale on axis. This allows us to show how the instrument calculated the reported value without "needing the source code."**
7. Fix the 31 day preventative maintenance issue where the QAS that enters yes for preventative maintenance continues to show up in COBRA as the QAS for all future test.

A follow-up notice will be posted when the Prosecutor's Office receives word from the Crime Lab that the patch has been received from CMI and applied.

INTOXILYZER 8000 AND RFI

At a trial on **June 15, 2006**, Forensic Scientist Mark Stoltman testified regarding a Crime Lab study on the Intoxilyzer 8000 and the effects of RFI. The study was conducted on instrument 80-001298.

As a result of this testimony, the Prosecutor's Office requested additional information from the Crime Lab. The following are quotes from Forensic Science Section Supervisor Anil Solanky:

- The study on the RFI is still ongoing and therefore no results or conclusions have been released.
- The data we have collected so far from testing only this instrument is not sufficient to draw any scientifically valid conclusions and would like to gather more data from tests done on other instruments. We do not anticipate formally concluding the study for at least several months due to availability of instruments and time to perform the tests.
- No procedural changes have been finalized or incorporated into our Breath SOP. One of the recommended changes is to check for RFI during an alcohol free subject test.
- All the instruments, except for 80-001298 which was used in the on going study on RFI, are set at the factory settings. (**What are the factory settings for RFI...???**)
- **We are waiting to find out from CMI regarding a formal definition of the factory setting.** In the mean time we will be testing all the instruments to check that the factory settings are adequate enough so that RFI is not an issue. If there is an instrument which does not perform satisfactorily we will remove it from service. These checks will be completed by July 7th.
- All the crime lab personnel in breath testing support will support the validity of the RFI tests done on the 8000 before any changes were implemented. (Note: The RFI has only been adjusted on Intox 80-001298 because the officer complained that it was too sensitive to RFI and asked if we can adjust it so that it is not that sensitive. As a result we initiated the study).
- We have implemented the SQAP "push button at the wrong time" during the subject test mode rather than during the air blank.(**is this the cause of BTO generated refusal**)
- This change does not require approval from DPS and it is recorded in COBRA.
- The Crime Lab's plan is to:

- a. Complete the RFI study
- b. Make sure our SQAP procedures verify the integrity of the Intoxilyzers at these settings.**
- c. Incorporate any changes in our Breath SOP

TRAINING ON INTOXILYZER

On **February 28, 2006**, Michael Campbell was training Erin Hurley to become a certified Q.A.S. on the Intoxilyzer 8000. There were no spare instruments available for training so they used the instruments at the Northern Command Station. The following instruments were used on that day:

80-000858 Intoxilyzer 8000
80-000915 Intoxilyzer 8000
80-001022 Intoxilyzer 8000
80-001025 Intoxilyzer 8000

Michael Campbell explained to Erin Hurley what needed to be done and instructed her to follow the check lists. Erin Hurley completed the 2A and 3A checks while Michael Campbell sat or stood next to her during the entire process. Additionally, Michael Campbell forgot to reset the thirty-one day clock on the instruments.

MICROCHIP TO CORRECT YEAR OF BIRTH ISSUE

On **January 5, 2006**, a microchip was replaced in each of the instruments to allow entry of the year of birth. Service records were prepared and Exhibit PP and QQ were conducted on all of the instruments after the change. Approximately 25 breath tests were administered on these instruments during the time period between 12/27/2005 and 1/05/2006. The following instruments were affected:

Instrument #	Date of last PP/QQ in 2005
66-002934	12/28/2005
66-003006	12/28/2005
66-003164	12/28/2005
66-003165	12/28/2005
66-004245	12/27/2005
66-004284	12/28/2005
66-004286	12/27/2005
66-004287	12/27/2005

YEAR OF BIRTH ISSUE

On **January 1, 2006 at 00:00:00**, the Intoxilyzer 5000s owned by the City of Phoenix stopped working, in that they would not allow the officers to enter the defendant's year of birth which is a necessary step to proceed further. The explanation from CMI is that when the software program was written, the programmer created a life span of 100 years from 1906.