

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**DWI PLANNING COUNCIL**

**May 9, 2013**

**Santa Fe, New Mexico**

This meeting of the Santa Fe County DWI Planning Council was called to order by Chair Donna Bevacqua-Young at approximately 9:05 a.m. on the above-cited date at 2052 S. Galisteo, Santa Fe, New Mexico.

The following individuals were present:

**Members Present:**

Donna Bevacqua-Young  
Glenn Levant  
Tom Starke

**Member(s) Excused:**

[5 vacancies]

**Staff Present:**

Lupe Sanchez, DWI Program Coordinator  
Peter Olson, DWI Program  
Diolinda Roybal, DWI Program  
Rachel O'Connor, Health & Human Service Division Director

**Others Present:**

Lisa Wooldridge, DWI PC candidate  
Richard De Mella, DWI PC candidate  
Grace Quintana-Trujillo, DWI PC candidate  
Shelly Moeller, Consultant  
Lisa Grace Giuffra, Santa Fe Underage Drinking Prevention Alliance  
Marissa A. Tapia, Teen Court  
David Saldivar, Teen Court  
Jason Avery, Scientific Laboratories Division

Those present introduced themselves.

**III. Approval of the Minutes: April 18, 2013**

A number of corrections were offered and those corrections will be made and the minutes resubmitted for action.

Lacking a quorum, action was deferred.

**IV. Approval of the Agenda**

Lacking a quorum, no action could be taken.

**V. Matters from the Council**

**A. Follow-up from Previous Meetings**

Mr. Levant requested information/results of all the DWI contracts. He also requested the establishment of a firm date to submit the scope of the countywide problem and plan to address the problem(s) as required by the council enabling resolution.

Mr. Sanchez identified the contracts and said staff received the quarterly reports from the prevention providers and would forward them to the members. The fiscal year ends June 30<sup>th</sup> and the contract reports can be prepared after that date. The court compliance program provides a report that delineates the number of clients, successful completion and other program-related data.

Mr. Levant requested the program related data from the District Attorney and the Administrative Office of the Courts

Mr. Sanchez said the DWI report will piggyback on the Countywide Health Needs Assessment which was developed in partnership with Christus St. Vincent. DWI staff will review the assessment and develop a draft for presentation to the DWI PC in August or September. He pointed out that many of the goals established within the three-year strategic plan have been met.

Chair Bevacqua-Young requested a calendar of the BCC meeting dates.

Rachel O'Connor, Health & Human Service Division Director, said the County's Health Planning and Policy Commission (HPPC) worked in partnership with Christus St. Vincent and developed a needs assessment and prioritized those needs. The next step which is in active development is the development of a community action plan.

Ms. O'Connor said alcohol-related issues including mortality registered high within the report.

In regards to Mr. Levant's concern that according to resolution the DWI PC is supposed to provide an independent report to the BCC regarding the scope of the countywide DWI program, Ms. O'Connor suggested that an update of the Planning Council's activities, DWI fatalities and program information would suffice.

Mr. Sanchez referred to agenda item VI. C, annual report discussion, on what to include in the report. Ms. Wooldridge supported an independent DWI assessment. Mr. Levant suggested the dashboard statistics and contract data as useful in developing the report.

Chair Bevacqua-Young advocated setting a firm deadline and taking the most complete information available to the BCC. Mr. Sanchez recommended going before the BCC at the end of September.

Noting that the DWI PC goals are quite broad, Ms. Moeller recommended the goals serve as indicators in tracking for the needs assessments and then using the objectives to determine what data is needed. There is a great deal of data available that could be pulled together for a concise report. Chair Bevacqua-Young suggested the Council re-review its strategic plan.

Mr. Stark noted that the Council's enabling legislation cites reduction in alcoholism as well as DWI reduction.

Ms. O'Connor offered to have Patricia Boies, County Health Planning and Policy Coordinator, attend a DWI PC meeting to review the needs assessment.

**B. Other Matters from the Council**

Chair Bevacqua-Young referred to the information [*Exhibit 1*] regarding John Kwasnoski's courtroom training program for law enforcement officers and prosecutors. She said Mr. Kwasnoski is a national trainer and the course helps officers presenting evidence in court to be more effective. She said it was very valuable training.

Mr. Sanchez said he is proposing that the training be provided twice a year. The funding would come through the CDWI grant. All CDWI grant money is going towards law enforcement: \$30,000 for law enforcement overtime, \$8,000 for this training and \$6,000 for public awareness campaigns.

Mr. Sanchez said law enforcement and the DAs were interested in the training. He added that he has talked with Mr. Kwasnoski and tentative dates have been established. The training can facilitate up to 60 officers and Mr. Sanchez expected to have countywide representation.

Referring to the Council's charge to evaluate the effectiveness of programs/contracts, Mr. Stark asked whether there would be measurement on the results of this course. Mr. Sanchez said a formal evaluation process could be established. He offered to contact the contractor and discuss the issue. Mr. Stark strongly recommended building in the evaluation up front to insure there is accurate tracking of the training participants. Ms. Wooldridge said Mr. Kwasnoski may have longitudinal data and tracking methods that the County can use.

Mr. Stark suggested using the Law Enforcement Subcommittee members for data collection following the training.

**VI. Information Items**

**Jason Avery – Scientific Laboratories Division (SLD)**

[*Exhibit 2: Breath Alcohol Testing in the State of New Mexico Report*]

Mr. Avery introduced himself as the supervisor of the breath alcohol section of the State's Scientific Laboratories Division, overseeing all the breath alcohol instruments and officers who conduct breath alcohol testing and the key operators who oversee the instruments at their agencies. He provided the following information

- There are 230 instruments in the field in use.

- There are approximately 3,000 regular operators – certified police officers or reserve officers, salaried through the state that have completed an 8-hour breath alcohol testing training course.
- Regulations require a key operator to oversee the certified instrument and there are 370 key operators who oversee the operations at their agency. These operators conduct calibration and proficiency testing on the instruments as well as rudimentary maintenance.
- DOH is developing an online training program for operators’ recertification – savings agencies and taxpayers’ money.

Mr. Avery discussed how the Intoxilyzer 8000 and simulator works with the breath going into a sample chamber crossing the path of the infrared light where the detectors check for the presence of alcohol and calculate the breath alcohol concentration. The instrument is only as accurate as the calibration.

Mr. Levant asked if there were any problems this Council could help the agency to resolve in Santa Fe County. Mr. Avery said he has been promoting that city and county law enforcement adopt gas standards for calibration checks and quality control. Gas standards provide for instrument portability and quality control having a simultaneous calibration check. He understood the reluctance had to do with funding for the tanks and difficulty in changing old patterns. The gas standard is simpler for the operator, easier to use and cost-efficient for SLD. Most states in the nation are adopting gas standards. Gas tanks cost \$120, are good for 400 tests, and have a two-year life from manufacturing date. Gas standard training occurs in key operator courses. He noted that the agency is responsible for the certificate of analysis for the gas tank.

Mr. Avery said subpoenas for the raw data are occurring more often. The data contains all information that has been put into the instrument; tests, calibrations, etc. Logbook sheets delineate how the instrument is functioning. Defense attorneys have been requesting the downloaded information.

Mr. Levant asked whether there are any field tests for narcotics. Mr. Avery was only aware of “color” tests. Chair Bevacqua-Young said some states provide phlebotomy training for law enforcement officer that facilitates drug testing.

Mr. Avery discussed legal issues/recent challenges SLD is experiencing. With the change to gas standards, judges are questioning the accuracy of the previous simulators.

Chair Bevacqua-Young mentioned the importance of forwarding IR 8000 information to the AOC and working more with the judges. Mr. Avery said he encourages DAs, especially in Albuquerque, to take the IR 8000 training. At this point 50 percent of the DWI cases are being thrown out of Metro-Court and he attributed that to strong defense attorney skill. He identified those attorneys.

2013/05/09 10:10:13 AM  
SANTA FE COUNTY  
CLERK RECORDED

**B. Tom Starke – Victim Impact Panel Survey and DWI Dashboard**

Mr. Stark said the DWI Impact Panel sees 60 to 70 DWI offenders monthly and each receives a research survey. He asked the Council to review the survey and provide additional questions. An array of statistics is derived from the survey indicating age of first intoxication, number of times driving after drinking, alcohol of choice, BAC when arrested, etc. Mr. Stark said approximately 20 percent of the offenders were unemployed prior to the DWI and 10 percent were either illiterate or refused to complete the survey.

Demographic data will be included but currently these are anonymous surveys.

Chair Bevacqua-Young offered to email suggestions to Mr. Sanchez to forward to Mr. Stark.

Mr. Sanchez said those convicted take the survey. Mr. De Mella said DWI offenders go to a class where victims of a DWI discuss their experience. He said there are handouts and additional materials distributed along with the survey. Aside from convicted offenders, alcohol servers attend the class.

Mr. Stark said he'd like to add additional metrics to the dashboard especially on juveniles since it is a precursor to a lifetime of drinking. Ms. Moeller said CYFD has some of that information that she would provide.

Mr. Stark also suggested fatalities, information from Christus on the Sobering Center and repeat users of the center.

**D. Coordinator's Report.**

Mr. Sanchez asked if there was additional information the Council wants to see in the annual report. Mr. Levant said all DWI and narcotic related offenses should be provided along with ER visits to include overdoses, etc. Mr. De Mella agreed that including the drug statistics was important because in the future there will be more incidents of drugged and drunk driving.

Mr. Levant said once the scope of the problem is established the report should address how the Council is spending money regarding the grants.

Mr. Stark noted that what this Council funds is only part of what the County does to address alcoholism and DWIs. He said it was important to acknowledge all the programs within the summary.

Chair Bevacqua-Young mentioned that in the past the Council had a representative from Christus St. Vincent and she recommended recruiting from the hospital.

Mr. Sanchez reported that:

- County DWI will be one of the sponsors of the Santa Fe Bandstand – July 10<sup>th</sup> will be Mariachis to focus on the Spanish-speaking population and raise their awareness regarding DWI
- Advertising agencies are preparing proposals for a new public awareness campaign
- Provider progress reports are coming in

- Staff will conduct breathalyzer tests for the Pojoaque prom - a post-prom party is scheduled at Dream Catcher theater
- Implementation of SBIRT (Screening, Brief Intervention, and Referral to Treatment) is underway

**VII. Miscellaneous**

**A. Agenda Items for New Meeting**

Next meeting – June 13, 2013, 9:00 to 10:30.

**VIII. Matters from the Public**

None was presented.

**IX. Adjournment**

This meeting was declared adjourned at approximately 10:40 a.m.

Approved by:

*Donna Bevacqua-Young*  
 Donna Bevacqua-Young, Chair  
 DWI Planning Council

*Lisa Woodbridge*  
 VICE-CHAIR  
 DWI PC

Submitted by:  
*Karen Farrell*  
 Karen Farrell, Wordswork



COUNTY OF SANTA FE )  
 STATE OF NEW MEXICO ) ss  
 DWI MINUTES  
 PAGES: 39

I Hereby Certify That This Instrument Was Filed for  
 Record On The 18TH Day Of June, 2013 at 12:11:39 PM  
 And Was Duly Recorded as Instrument # 1709215  
 Of The Records Of Santa Fe County

*Geraldine Salazar*  
 Witness My Hand And Seal Of Office  
 Geraldine Salazar  
 County Clerk, Santa Fe, NM

# Courtroom Success in the DWI Crash Case

## AGENDA



### Day 1

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- |               |  |
|---------------|--|
| 8:30 – 8:45   | Introduction   |
| 8:45 – 9:45   | Overview, You Have to Know the Rules<br>What's at stake when you take the oath?<br>Qualifications exercise<br>Direct examination fundamentals: credibility, listening, visualization |
| 9:45 – 10:00  | BREAK  |
| 10:00 – 12:00 | Direct examination fundamentals, continued<br>Direct examination activity – filling in the gaps  |
| 12:00 – 1:15  | LUNCH  |
| 1:15 – 2:00   | Assignment of direct examination fact patterns<br>Direct examination exercise – anticipating the defense attacks on the direct examination testimony                                 |
| 2:00 – 2:15   | BREAK  |
| 2:15 – 3:45   | Preparation of direct testimony, work session (developing exhibits)  |
| 3:45 – 4:00   | Wrap up discussion   |

### Day 2

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- |               |  |
|---------------|--|
| 8:30 – 11:00  | Direct examination exercise (break included)<br>Each witness will have 6-8 minutes to present their testimony to a live jury (if possible)       |
| 11:00 – 11:15 | BREAK  |
| 11:15 – 12:00 | Surviving Cross Examination - presentation   |
| 12:00 – 1:15  | LUNCH  |
| 1:15 – 3:15   | Defense attorney control tactics<br>How to handle defense attorney cross examination tactics<br>(including role playing exercises with officers) |
| 3:15 – 3:30   | Wrap up discussion<br>Evaluations  |

tabbles

EXHIBIT  
CLERK RECORDED 06/10/2013

## *Legal Sciences, LLC*

51 Nash Hill Rd. Ludlow, MA 01056

413-589-0793

kwasnoski@aol.com

# Give your officers the training they don't have for the most critical part of their next DWI crash case.

For most officers who work on DWI crash cases they are usually under-trained, if at all, in the skills needed to provide powerful, persuasive testimony at trial. Most cases do not go to trial, so an officer can work on many cases without ever standing the test of being cross examined by a crafty defense attorney working with a competent expert. Then the officer is involved in that high-profile case that receives public scrutiny, and perhaps for the first time the officer's work is critically examined.

Without formal training focusing on the procedures of the trial, the rules of the courtroom, the expectations of the jury, etc. many officers have to rely in their instinct to be the best witness they can. Legal Sciences' COURTROOM SUCCESS training gives officers a foundation and structure to support their individual styles, and goes far beyond the "how to dress" and "where to look" rules they've already been told to observe. Lt. David Boyt, Georgia State Patrol, a veteran of more than 15 years on the job, stated in his course evaluation,

"I wish I had this training before I testified for the first time. I've been on the stand many times since then, but I never heard about the things we talked about in this training."

Host the WITNESS SKILLS training for your officers, help them be the best that they can be. For information on scheduling a training seminar for your officers contact:

Legal Sciences  
51 Nash Hill Rd., Ludlow, MA 01056  
413-589-0793  
Kwasnoski@aol.com

**COMPLETE YOUR OFFICER'S SKILLS WITH  
THIS MOST IMPORTANT TRAINING!**



# Skill Training That Few Officers Ever Get !

Officers are usually well-trained in the skills of investigating and perhaps reconstructing motor vehicle crashes, but they seldom receive formal training in the art of presenting their work to jurors at trial. To anticipate cross examination by a skilled attorney the State's police witness needs to know more than their technical training provides them. Legal Sciences' COURTROOM SUCCESS training gives officers the confidence to guard the truth from unfair attacks, and present their testimony in a convincing, persuasive manner that makes a real connection with the jurors.

This training includes hands-on activities that will assist prosecutors as well as the officers giving the testimony. An extensive testifying exercise demonstrates to officers a wide range of testifying styles and gives them an opportunity to experience the equivalent of many years of testifying themselves. Here's what some of the participants of past training seminars have said:

*"In 23 years as a state trooper this was by far the best one-day course I have ever attended."*

**Lt. David Boyt, Georgia State Patrol**

*"By far the best class I have ever taken on the subject matter. If a department wants to increase its conviction rate, this is the class to take."*

**Detective William Redfairn, Training Officer, Las Vegas P.D.**

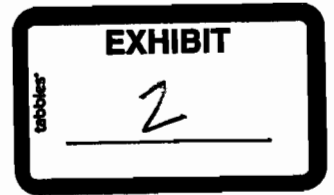
**Intended audience:** Crash investigators, reconstructionists, and prosecutors

**Training Objectives:** To develop skills that will enhance the effectiveness of testimony.  
To understand the importance of credibility building during testimony.  
To establish a shield against unfair cross examination attacks

#### **The instructor:**

John B. Kwasnoski is Professor Emeritus of Forensic Physics at Western New England College, Springfield, MA after thirty-one years on the faculty. He is a certified police trainer in more than twenty states, and has instructed prosecutors, police, and civil attorneys on more than 250 occasions across the U.S. He is the crash reconstructionist on the "Lethal Weapon - DWI Homicide" team formed by the National Traffic Law Center to teach prosecutors how to utilize expert witness testimony and cross examine adverse expert witnesses. Prof. Kwasnoski has reconstructed over 1,000 crashes, including multiple and single vehicle, pedestrian, motorcycle, and train crashes; he has trained with the NYPD collision reconstruction unit since 2001, and continues to serve as a consultant to New York City prosecutors on MV homicide cases

He has served as an expert in several cases of national significance including **S. Carolina v. Susan Smith** (a mother's drowning murder of her two children) in which he participated in the re-enactment of the drowning in a submerged automobile and the creation of a video used in the sentencing phase of the trial. He is the author of From Crash to Courtroom: Collision Reconstruction for Lawyers and Law Enforcement, text and DVD Library ( [legalsciences.com](http://legalsciences.com) ) and Crash Reconstruction Basics for Prosecutors for the American Prosecutors Research Institute. He has co-authored three best-selling books for Lexis-Law Publishing : Investigation and Prosecution of DWI and Vehicular Homicide, Courtroom Survival, and The Officer's DUI Manual.



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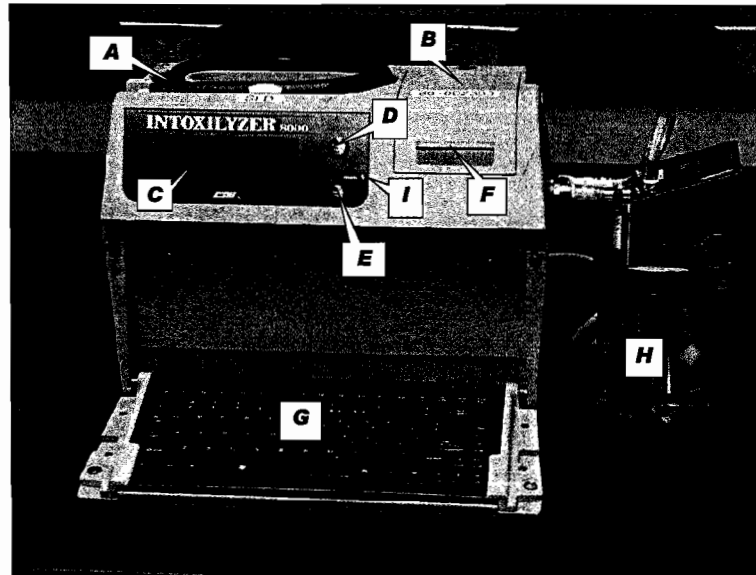
# Breath Alcohol Testing in the State of New Mexico

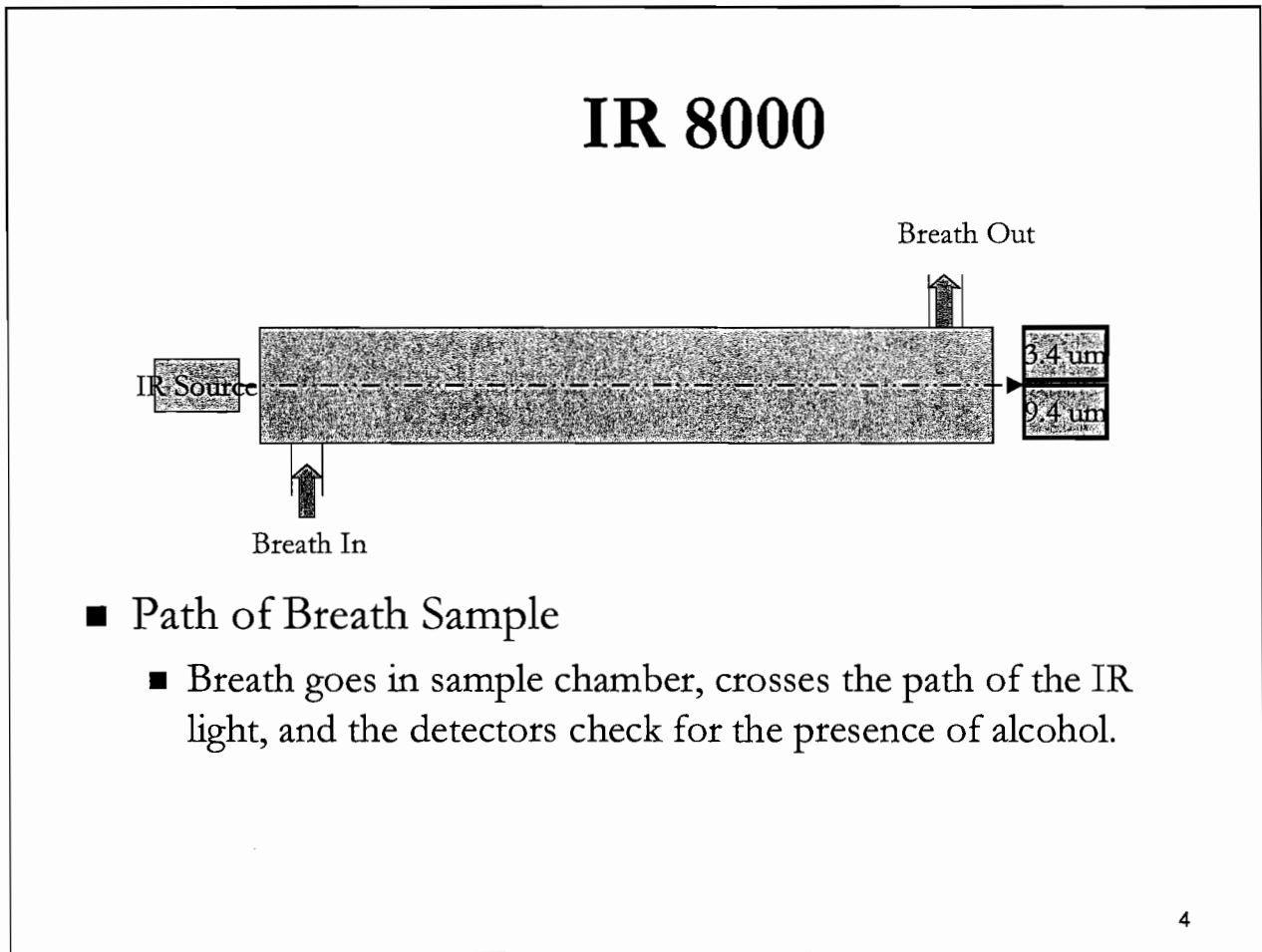
Presented By Jason Avery  
Breath Alcohol Section  
Supervisor

## TOXICOLOGY BUREAU

- Bureau Chief – Rong-Jen Hwang, PhD
  - (505) 383-9086
- Breath Alcohol – Jason Avery
  - (505) 383-9094
- Drug Screening (Blood Alcohol)- Gerasimos Razatos
  - (505) 383-9091
- Drug Section Supervisor –Ginger Baker
  - (505) 383-9089

## Intoxilyzer 8000 & simulator





## IR 8000

- The Intoxilyzer 8000 Operates in two different modes:
  - **Stationary Mode**
    - The breath testing sequence includes a simultaneous Calibration Check with every breath test. **A SIMULATOR OR GAS TANK MUST BE CONNECTED TO THE INSTRUMENT AT ALL TIMES IN THIS MODE.**
    - **IF CALIBRATION CHECK IS OUT OF RANGE THE INSTRUMENT WILL FAIL THE TEST!**

## IR 8000

### ■ Mobile Mode

- The breath testing sequence does **not** have a simultaneous Calibration Check.
- Calibration Checks are done every seven (7) days. If they are not done every seven (7) days, the instrument will go into a disabled mode until the calibration check has been performed. If in the disabled mode, **KEY OPERATOR MUST BE CONTACTED.**
- **IF CALIBRATION CHECK IS OUT OF RANGE THE INSTRUMENT WILL FAIL THE TEST!**
- Only Key operators and SLD scientists can routinely change the 8000 between Mobile and Stationary modes. Instrument mode changes should be indicated in the logbook.

# COURT RULES

## Admissibility of Blood Results

- 4-207. Blood and breath alcohol test reports; controlled substance analysis reports.
- A. Admissibility. In any prosecution of an offense within the trial jurisdiction of the responsible court, if a health practitioner is certified, the defendant is advised in writing of the rights, the following evidence is not to be excluded under the hearsay rule, even though the evidence may be available as a witness:
  - (1) a written report of the conduct and results of a chemical analysis of urine or blood for determining blood alcohol concentration;
  - (2) the report of an analysis conducted by a laboratory certified by the scientific laboratory division of the health department to perform blood and blood alcohol tests;
  - (3) the report as to a form approved by the supreme court and is regular on its face; and
  - (4) a duplicate copy of the report was mailed to the court of the sample of blood on (1) days before trial.

## Admissibility of Breath

- (2) a print-out produced by a breath-testing device which performs an analysis of the defendant's breath to determine blood alcohol concentration if:
  - (a) the law enforcement officer who operated the device is certified to operate the device by the scientific laboratory of the health and environment department (department of health) and
  - (b) upon request, the calibration testing records for a reasonable period of time surrounding the defendant's test are made available to the defendant for inspection prior to trial. The defendant may request a copy to be made of the testing records at the defendant's expense.



## Pertinent Documentation for Breath Alcohol Cases

- Police Report
- Intoxilyzer 8000 Breath Alcohol Card
- Breath Alcohol Test Operator Certificate
- Direct Breath Alcohol Instrument Certificate
- Breath Alcohol Instrument Key Operator Certificates
- Intoxilyzer breath logs with calibration checks etc., relevant to date of test

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# Log Books

All instruments require a log book to document all activities done on the instrument

**INSTRUCTIONS**  
 Please Print Legibly.  
 Check last copy for readability.  
 Key operators use headings at the bottom of the page.  
 Note all maintenance performed on instrument.

**LOG BOOK**  
 Instrument Serial Number 30-010000

Page 85301  
 Testing Agency Edg Agency PD  
 Simulator Serial Number \_\_\_\_\_

Subject Name	Date of Birth	Drivers License and Social Security	Sex	Citation Number	Testing Officer	Arresting Agency	TEST DATA						
							Date	Time	Sim. Temp.	1st Sample	2nd Sample	3rd Sample	
<b>Instrument Testing In Mobile Mode</b>													
John Doe	3/25/64	1821577 000-88-0000	M	12345	Operator Name	AA PD	6/15/10	0025		.05		.05	
John Doe	8/12/81	8901234 11-11-1111	M	67890	Operator Name	AA PD	6/17/10	0224		.19		.18	
<b>Instrument Testing In Stationary Mode</b>													
Jane Doe	10/2/49	5638901 000-00-0000	F	12345	Operator Name	AA PD	6/18/10	1622	34.0°C	.04	.099	.05	
John Doe	5/8/38	2345678 11-11-1111	M	67890	Operator Name	AA PD	6/20/10	2345	33.9°C	.14	.08	.17 .15	
<b>Calibration Check</b>													
Machine Blank					Key Operator Name	AA PD	6/21/10	1332			.000	.000 .000	
.08 Standard	.08	10-08-14-18		9/14/11				1341	34.0°C		.079	.079 .080	
.16 Standard	.16	10-09-26-20		7/26/11				1349	34.1°C		.162	.161 .162	
Machine Blank								1357			.000	.000 .000	
<b>Proficiency Testing</b>													
Proficiency	UNK	10-08-6			Key Operator Name	AA PD	6/25/10	0823	33.9°C		.194	.194 .195	
								0832			.195	.194 .195	
								0840			.196	.195 .195	
Standards or Proficiency	Sim. Value	Simulator Codes		Operator Date	Testing Officer	Testing Agency	Date	Time	Simulator Temperature		Sample 1 3 decimal places	Sample 2 3 decimal places	Sample 3 3 decimal places

When page is filled or monthly mail print, copy of this page to: Scientific Laboratory Division 210 Governor's Palace NE, PO Box 4760 Albany, GA 31706 - 4706 - Attn: Alcohol Services  
 \*Keep original file at the Department near the fourth level server

# Mobile Mode Testing

**INSTRUCTIONS**

Please Print Legibly.  
 Check test easy for readability.  
 Key operators use headings at the bottom of the page  
 Note all test times since performed at instrument.

LOG BOOK

Page 86301

Instrument Serial Number 8D-010000

Testing Agency Any Agency PD

Subject Name	Date of Birth	Drivers License and Social Security	Sex	Calibration Number	Testing Officer	Arresting Agency	TEST DATA						
							Date	Time	Sam Temp	Test Sample	Cal Check	2nd Sample	3rd Sample
Instrument Testing In Mobile Mode													
John Doe	3/25/74	1234567 000-00-0000	M	12345	Operator Name	AA PD	6/15/10	0025		.05	.05		
John Doe	8/18/81	8901234 111-11-1111	M	67890	Operator Name	AA PD	6/17/10	0224		.19	.18		
Instrument Testing In Stationary Mode													
Jane Doe	10/2/47	5678901 000-00-0000	F	12345	Operator Name	AA PD	6/18/10	1622	34.0°C	.04	.079	.05	
John Doe	5/6/70	2345678 111-11-1111	M	67890	Operator Name	AA PD	6/20/10	2345	33.9°C	.14	.081	.12 .15	
Calibration Check													
Machine Blank					Key Operator Name	AA PD	6/21/10	1332			.000	.000 .000	
.08 Standard	.08	10-08-14-118		8/1/11				1341	34.0°C		.039	.079 .080	
.16 Standard	.16	10-03-26-82		7/26/11				1349	34.1°C		.162	.161 .162	
Machine Blank								1357			.000	.000 .000	
Proficiency Testing													
Proficiency	UNK	10-08-6			Key Operator Name	AA PD	6/25/10	0823	33.9°C		.194	.194 .195	
								0832			.195	.194 .195	
								0840			.196	.195 .195	
Standard or Proficiency	Std Value	SIMULATOR CODE		Excursion Value	Testing Officer	Testing Agency	Date	Time	Simulator Temperature		Sample 1	Sample 2	Sample 3 3 decimal places

When print is used (to monthly) mail print copy of this page to: Scientific Laboratory Division, 700 Camino de Saticum, P.O. Box 4700, Albuquerque, NM 87106-4700 - Alts. Alcohol Section  
 Scan control no. 11 on the instrument after the month's completion

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# Stationary Mode Testing

**INSTRUCTIONS**

Please Print Legibly.  
Check last copy for readability.  
Key operators use headings at the bottom of the page  
Note all results since performed on instrument.

**LOG BOOK**

Instrument Serial Number 80-010000

Simulator Serial Number \_\_\_\_\_

Page 86301

Testing Agency Any Agency PD

Subject Name	Date of Birth	Drivers License and Social Security	Sex	Citation Number	Testing Officer	Arresting Agency	TEST DATA								
							Booz	Time	Sim. Temp	1st Sample	Cal. Check	2nd Sample	3rd Sample		
Instrument Testing In Mobile Mode															
John Doe	3/25/64	1234567 000-00-0000	M	12345	Operator Name	AA PD	6/15/10	0025		.05		.05			
John Doe	8/12/80	8901234 111-11-1111	M	67890	Operator Name	AA PD	6/17/10	0224		.19		.18			
Instrument Testing In Stationary Mode															
Jane Doe	10/2/47	26-88101 000-00-0000	F	12345	Operator Name	AA PD	6/18/10	1622	34.0°C	.04	.079	.05			
John Doe	5/8/70	33-5838 111-11-1111	M	67890	Operator Name	AA PD	6/20/10	2345	33.9°C	.14	.081	.17	.15		
Calibration Check															
Machine Blank					Key Operator Name	AA PD	6/21/10	1332			.000	.000	.000		
.08 Standard	.08	10-08-14-18		8/1/11				1341	34.0°C		.079	.079	.080		
.16 Standard	.16	10-07-20-23		7/26/11				1349	34.1°C		.162	.161	.162		
Machine Blank								1357			.000	.000	.000		
Proficiency Testing															
Proficiency	UNK	10-08-6			Key Operator Name	AA PD	6/25/10	0823	33.9°C		.194	.194	.195		
								0832			.195	.194	.195		
								0840			.196	.195	.195		
Standard of Proficiency	Std. Value	Simulator Code		Expiration Date	Testing Officer	Testing Agency	Date	Time	Simulator Temperature		Sample 1	Sample 2	Sample 3		

When print is filled (or monthly) mail print copy of this page to: Scientific Laboratory Division, 700 Camino de Salud NE, P.O. Box 4700, Albuquerque, NM 87106 - Attn: Alcohol Section  
\*Use central or top of the instrument when the result is relevant

SAC CLEAR RECORDED 66/10/2013

# Stationary Testing – Gas Standards

**INSTRUCTIONS**

Please Print Legibly.  
Check test copy for readability.  
Key operators use headings at the bottom of the page  
Note all maintenance performed on instrument.

**LOG BOOK**

Page 86301

Testing Agency Any Agency PD

Instrument Serial Number 8D-01000

Simulator Serial Number \_\_\_\_\_

Subject Name	Date of Birth	Drivers License and Social Security	Sex	Citation Number	Testing Officer	Arresting Agency	TEST DATA									
							Date	Time	Bin Temp	Gas Sample	Dr. Check	End Sample	End Sample			
Instrument Testing in Mobile Mode																
John Doe	3/25/66	1234563 000-00-0000	M	12345	Operator Name	AAPD	6/15/10	0025		.05		.05				
John Doe	8/12/81	8781234 11-11-1111	M	67890	Operator Name	AAPD	6/11/10	0024		.19		.18				
Instrument Testing in Stationary Mode																
Jane Doe	10/2/45	538901 000-00-0000	F	12345	Operator Name	AAPD	6/18/10	1422	34.0°C	.04	.079	.05				
John Doe	5/15/75	2345678 11-11-1111	M	67890	Operator Name	AAPD	6/20/10	2345	33.9°C	.14	.081	.13	.15			
Calibration Check																
.000 Cal Check					Key Operator Name	AAPD	6/21/10	1332			.000	.000	.000			
.080 Cal Check	.08	10-04-16-1D		4/6/11				1341	34.0°C		.079	.079	.080			
.160 Cal Check	.16	10-03-03-2E		3/9/11				1349	34.1°C		.162	.161	.162			
.000 Cal Check								1357			.000	.000	.000			
Proficiency Testing																
Proficiency	unk.	10-04.5			Key Operator Name	AAPD	6/22/10	0823	33.9°C		.194	.194	.195			
								0832			.195	.194	.195			
								0846			.196	.195	.195			
Gas Standards																
Guth Laboratories, Lot # 1172646 Exp Date 6/19/2014																
John Doe	6/2/85	1234563 000-00-0000	M	31527	Operator Name	AAPD	7/2/10	1746	Gas	.11	.077	.12				

When page is blank for instrument read print copy of this page to Scientific Laboratory Division, 700 Camino de Salud NE, P.O. Box 4700, Albuquerque, NM 87116-4700. - Attn: Alcohol Section

8000 CLEAR RECORD 8000/10/2013

# Calibration Check Testing

**INSTRUCTIONS**

Please Print Legibly.  
 Check last copy for readability.  
 Key operators use headings at the bottom of the page  
 Note all results since performed on instrument.

**LOG BOOK**

Page 86301

Instrument Serial Number 80-010000

Testing Agency Any Agency PD

Subject Name	Date of Birth	Drivers License and Social Security	Sex	Calibration Number	Testing Officer	Arresting Agency	TEST DATA							
							Date	Time	Stm Temp	Vol Sample	Cal Check	Std Sample	Std Sample	
Instrument Testing In Mobile Mode														
John Doe	3/25/64	1234567 000-00-0000	M	12345	Operator Name	AA PD	6/15/10	0025			.05		.05	
John Doe	8/12/88	8901234 111-11-1111	M	67890	Operator Name	AA PD	10/18/10	0224			.19		.18	
Instrument Testing In Stationary Mode														
Jane Doe	10/21/77	2438901 000-00-0000	F	12345	Operator Name	AA PD	6/18/10	1622	34.0°C	.04	.079	.05		
John Doe	5/8/70	33-55-778 111-11-1111	M	67890	Operator Name	AA PD	6/20/10	2345	33.9°C	.14	.081	.12	.15	
Calibration Check														
Machine Blank					Key Operator Name	AA PD	6/21/10	1332			.000	.000	.000	
.08 Standard	.08	10-08-14-18		8/1/11				1341	34.0°C		.079	.079	.080	
.16 Standard	.16	10-07-26-AD		7/20/11				1349	34.1°C		.162	.161	.163	
Machine Blank								1357			.000	.000	.000	
Proficiency Testing														
Proficiency	UNK	10-08-6			Key Operator Name	AA PD	6/25/10	0823	33.9°C		.194	.194	.195	
								0832			.195	.194	.195	
								0840			.196	.195	.195	

When plot is filled for monthly install, copy of this page to Scientific Laboratory Division, 700 Camino de Sauc NE, P.O. Box 4700, Albuquerque, NM 87106 - 1700 - Attn: Alcohol Section

When printed for use at the equipment room the format information

# Proficiency Testing

**INSTRUCTIONS**

Please Print Legibly.  
Check last copy for readability.  
Key operators use headings at the bottom of the page  
Note all number space performed in instrument.

**LOG BOOK**

Page 86301

Testing Agency Any Agency PD

Instrument Serial Number 80-010000

Simulator Serial Number \_\_\_\_\_

Subject Name	Date of Birth	Drivers License and Social Security	Sex	Calibration Number	Testing Officer	Arresting Agency	Date	Time	TEST DATA			
									Sam Temp	1st Sample	2nd Sample	3rd Sample
<b>Instrument Testing In Mobile Mode</b>												
John Doe	3/25/64	1234567 000-00-0000	M	12345	Operator Name	AA PD	6/15/10	0025	/	.05	/	.05
John Doe	8/12/81	8901234 111-11-1111	M	67890	Operator Name	AA PD	6/14/10	0204	/	.19	/	.18
<b>Instrument Testing In Stationary Mode</b>												
Jane Doe	10/2/47	5432101 000-00-0000	F	12345	Operator Name	AA PD	6/18/10	1622	34.0°C	.04	.079	.05
John Doe	5/16/80	2345678 111-11-1111	M	67890	Operator Name	AA PD	6/20/10	2345	33.9°C	.14	.081	.12 .15
<b>Calibration Check</b>												
Machine Blank	/	/	/	/	Key Operator Name	AA PD	6/21/10	1332	/	/	.000	.000 .000
.08 Standard	.08	10-08-14-18	/	8/1/11	/	/	/	1341	34.0°C	/	.079	.079 .080
.16 Standard	.16	10-07-26-20	/	7/20/11	/	/	/	1349	34.1°C	/	.162	.161 .162
Machine Blank	/	/	/	/	/	/	/	1357	/	/	.000	.000 .000
<b>Proficiency Testing</b>												
Proficiency	UNK	10-07-6	/	/	Key Operator Name	AA PD	6/25/10	0823	33.9°C	/	.194	.194 .195
								0832	/	/	.195	.194 .195
								0840	/	/	.196	.195 .195
Standard of Proficiency	Std. Value	Simulator Code#	Excretion Juice	Testing Office	Testing Agency	Date	Time	Simulator Temperature	Sample 1	Sample 2	Sample 3	3 decimal places

When page is filled (or monthly) mail this copy of this page to: Scientific Laboratory Division, 700 Camino de Sauc, NE, P.O. Box 4700, Albuquerque, NM 87196 - 1700 - Attn: Alcohol Section  
\*Scan manual on file at the instrument upon the monthly maintenance

# Operator Certification Card

State of New Mexico  
Department of Health  
SCIENTIFIC LABORATORY DIVISION  
1101 Camino de Salud, Albuquerque, NM 87102

**Breath Alcohol Test Operator Certificate**

This certifies that \_\_\_\_\_  
has fulfilled the prescribed requirements and is certified to operate  
the following instrument(s) \_\_\_\_\_  
to determine Breath Alcohol Concentration of persons tested pursuant  
to the New Mexico Implied Consent Act.

Certification # \_\_\_\_\_  
Date of Issue \_\_\_\_\_  
Date of Expiration \_\_\_\_\_

SLD 408 (8/10)



# INSTRUMENT CERTIFICATE

SCIENTIFIC LABORATORY DIVISION  
1101 CAMINO DE BALBOA, NE  
ALBUQUERQUE, NM 87102

## DIRECT BREATH ALCOHOL INSTRUMENT CERTIFICATE

THIS IS TO CERTIFY THAT

*INTOXILYZER 8000 (Serial # 80-010000)*

HAS FULFILLED THE PRESCRIBED REQUIREMENTS AND IS  
CERTIFIED TO ANALYZE BREATH SPECIMENS OF MOTOR VEHICLE  
DRIVERS TO DETERMINE BREATH ALCOHOL CONTENT OF THE  
PERSON TESTED PURSUANT TO PROVISIONS OF THE NEW  
MEXICO IMPLIED CONSENT ACT.



DATE OF ISSUE: 10/01/2011

EXPIRATION DATE: 06/30/2012

# Key Operator Certificate

SCIENTIFIC LABORATORY DIVISION  
1101 CAMINO DE SALUD, NE  
ALBUQUERQUE, NM 87102


**CERTIFICATE OF COMPLETION FOR  
KEY OPERATOR**

THIS IS TO CERTIFY THAT  
**JASON AVERY**

HAS SUCCESSFULLY COMPLETED TRAINING AND FULFILLED THE  
REQUIREMENTS FOR A KEY OPERATOR AND IS CERTIFIED TO ASSURE  
THE ACCURACY OF THE

**INTOXILYZER 8000**

FOR THE PURPOSE OF DETERMINING THE BREATH ALCOHOL CONTENT.



DATE OF ISSUE: 04/01/2011  
EXPIRATION DATE: 03/31/2012

Additional documents often requested  
via Discovery Orders, etc.

- Proficiency Reports
- Instrument inspections
- COBRA COMPUTER DATA
- Logbook sheet copies
- Solution information – Gas Chromatograph data

# INSPECTIONS

**AT LAB INSPECTION OF INTOXYLIZERS 8000**

INSTRUMENT # 82-20 AGENCY \_\_\_\_\_

INSPECTOR \_\_\_\_\_ DATE \_\_\_\_\_ LOGGED BY \_\_\_\_\_

INSTRUMENT #	82-20	AGENCY	CAL A	06/27/2013	JAT
INSPECTOR		DATE	CAL A	06/27/2013	JAT

<input type="checkbox"/> Machine Blank	<input type="checkbox"/> Machine Blank
<input type="checkbox"/> 0.05 Standard	<input type="checkbox"/> 0.05 Standard
<input type="checkbox"/> 0.10 Standard	<input type="checkbox"/> 0.10 Standard
<input type="checkbox"/> Machine Blank	<input type="checkbox"/> Machine Blank
<input type="checkbox"/> Bottle Sealed	<input type="checkbox"/> Inversion (Access to ILV)
<input type="checkbox"/> Error Type	<input type="checkbox"/> No Agreement
<input type="checkbox"/> 2 Digit Display/ Preliminary Result On	<input type="checkbox"/> Inproper Tone
<input type="checkbox"/> Mouth Piece Active	<input type="checkbox"/> Alert
<input type="checkbox"/> Response	<input type="checkbox"/> Mouth Altered
<input type="checkbox"/> Change to Memory Mode	<input type="checkbox"/> Ambient Test
<input type="checkbox"/> Machine Blank	<input type="checkbox"/> Low/Power
<input type="checkbox"/> 0.05 Standard	<input type="checkbox"/> No Sample
<input type="checkbox"/> 0.10 Standard	<input type="checkbox"/> Machine Blank
<input type="checkbox"/> Machine Blank	<input type="checkbox"/> 0.05 Standard
<input type="checkbox"/> Low Power (Access to ILV)	<input type="checkbox"/> 0.10 Standard
<input type="checkbox"/> No Agreement	<input type="checkbox"/> Machine Blank
<input type="checkbox"/> Inproper Tone	<input type="checkbox"/> Power Enabled
<input type="checkbox"/> Alert	<input type="checkbox"/> Print Test
<input type="checkbox"/> Mouth Altered	<input type="checkbox"/> 2 Digit Display/ Preliminary Result off
<input type="checkbox"/> Ambient Test	<input type="checkbox"/> Data Download
<input type="checkbox"/> Insufficient	
<input type="checkbox"/> No Sample	

Notes:  
 REV: 025-0  
 © 2003 Alcotest Division QA QC Program 12.8000 Instrument Inspection Inspection Form 06.8000 AT LAB INSPECTIONS.doc

# PROFICIENCY

## INTOXILYZER 8000 BREATH ALCOHOL PROFICIENCY REPORT FORM

Scientific Laboratory Division Inspector, Criminal Section P.O. Box 4700 110 Camino de Salud, NE Albuquerque, New Mexico 87106-4700 (505) 383-8102	<b>INSTRUCTIONS:</b> This Intoxilyzer 8000 Proficiency Report Form should be returned within 30 days of the date mailed below. If the solution is not analyzed in the laboratory, analyze the solution as soon as possible and record the reason why the proficiency is late in the comment section. Results received by ILD within 15 working days of analysis. Round results to three digits past the decimal point.
Agency: <b>8266</b> Scientific Laboratory Division Key Operator: <b>868</b> JASON AVERT Date Mailed: <b>11/17/99</b>	
<b>Information in this block to be filled in by Key Operator:</b>	
Instrument Serial Number: _____	Date Analyzed: _____
Proficiency Solution: No (ON BOTTLE): _____	
Proficiency Results:	Simulator Serial Number
_____	_____
_____	_____
_____	_____
Simulator Temperature (33.0c—34.2c)	
COMMENTS _____ _____ _____	
FOR LAB USE ONLY	
Date Received: _____ Date Returned: _____ Time: _____	

## **BREATH TEST PROCEDURE**

- Subject must be under arrest
- Read Implied Consent Advisory
- 20-minute deprivation period
- Good faith attempt at 2 samples
- Collect 3 samples if difference is greater than .02

# EXAMPLE TESTS

## No Agreement

- No Agreement tests in both Stationary and Mobile Mode
- No Agreement is when the two breath results are not within 0.02 of each other
- Instrument will ask for a third test

```

Date of Test: 05/19/2013
Time of Test: 10:00 AM
Operator: J. J. [Signature]
Station: 1000
Mode: Stationary
Test # 1

```

Test	Result	Time
1st Test	0.08	10:00:00
2nd Test	0.10	10:00:30
3rd Test	0.09	10:01:00
4th Test	0.08	10:01:30
5th Test	0.09	10:02:00
6th Test	0.08	10:02:30
7th Test	0.09	10:03:00
8th Test	0.08	10:03:30
9th Test	0.09	10:04:00
10th Test	0.08	10:04:30
11th Test	0.09	10:05:00
12th Test	0.08	10:05:30
13th Test	0.09	10:06:00
14th Test	0.08	10:06:30
15th Test	0.09	10:07:00
16th Test	0.08	10:07:30
17th Test	0.09	10:08:00
18th Test	0.08	10:08:30
19th Test	0.09	10:09:00
20th Test	0.08	10:09:30

```

Date of Test: 05/19/2013
Time of Test: 10:00 AM
Operator: J. J. [Signature]
Station: 1000
Mode: Mobile
Test # 1

```

Test	Result	Time
1st Test	0.08	10:00:00
2nd Test	0.10	10:00:30
3rd Test	0.09	10:01:00
4th Test	0.08	10:01:30
5th Test	0.09	10:02:00
6th Test	0.08	10:02:30
7th Test	0.09	10:03:00
8th Test	0.08	10:03:30
9th Test	0.09	10:04:00
10th Test	0.08	10:04:30
11th Test	0.09	10:05:00
12th Test	0.08	10:05:30
13th Test	0.09	10:06:00
14th Test	0.08	10:06:30
15th Test	0.09	10:07:00
16th Test	0.08	10:07:30
17th Test	0.09	10:08:00
18th Test	0.08	10:08:30
19th Test	0.09	10:09:00
20th Test	0.08	10:09:30

[Signature]

[Signature]

# EXAMPLE TESTS

## Subject Problems

- Mouth Alcohol is a possibility but instrument has several safeguards against it
- Interferent is when the instrument detects a substance other than alcohol

Date of Test: 08/09/13  
 11:02 AM  
 Location: 10000 100th Ave  
 City: Ed  
 State: IL  
 Zip: 60143  
 ID: 100001001

Subject: J. J.  
 Agency: 10000 100th Ave  
 City: Ed  
 State: IL  
 Zip: 60143

Subject ID: 100001001

NO.	PK.	TS.
1	100001001	11:02 AM
2	100001001	11:02 AM
3	100001001	11:02 AM
4	100001001	11:02 AM
5	100001001	11:02 AM

TEST AGENT: J. J.  
 AGENT SIGNATURE: J. J.

*J. J.*  
AGENT SIGNATURE

Date of Test: 08/09/13  
 11:02 AM  
 Location: 10000 100th Ave  
 City: Ed  
 State: IL  
 Zip: 60143  
 ID: 100001001

Subject: J. J.  
 Agency: 10000 100th Ave  
 City: Ed  
 State: IL  
 Zip: 60143

Subject ID: 100001001

NO.	PK.	TS.
1	100001001	11:02 AM
2	100001001	11:02 AM
3	100001001	11:02 AM
4	100001001	11:02 AM
5	100001001	11:02 AM

TEST AGENT: J. J.  
 AGENT SIGNATURE: J. J.

*J. J.*  
AGENT SIGNATURE



# EXAMPLE TESTS

## Subject Delivery Problems

- Insufficient Sample is when the criteria for a proper breath sample are not met.
- No Sample is when the subject refuses to blow into instrument or does not blow hard enough to set off the pressure sensor

```

Date of Test: 06/18/2013
Time of Test: 14:30:00
Operator: J. J. [Signature]
Subject ID: 123456789
Case No: 123456789

```

Gas	Conc	Unit
Alcohol	0.00	g/100ml
CO	0.00	%
CO2	35	mmHg
CO2 Sat	95	%
CO2 Vol	20	ml/min

Printed on: 06/18/2013 14:30:00

*J. J. [Signature]*

```

Date of Test: 06/18/2013
Time of Test: 14:30:00
Operator: J. J. [Signature]
Subject ID: 123456789
Case No: 123456789

```

Gas	Conc	Unit
Alcohol	0.00	g/100ml
CO	0.00	%
CO2	35	mmHg
CO2 Sat	95	%
CO2 Vol	20	ml/min

Printed on: 06/18/2013 14:30:00

*J. J. [Signature]*

SEC OF STATE RECORDED 06/10/2013 12:23:02 PM

# EXAMPLE TESTS

## Operator and Environment Errors

- Improper Time is when the officer allowed subject to blow into the instrument when not prompted to do so
- Ambient conditions is when the instrument detects a volatile substance in the air when conducting the air blank

TEST OF NO. 1000 - 100  
 00:00:00  
 PROCEED - TEST BLANK  
 IN 30 SECS  
 IN 30 SECS  
 IN 30 SECS  
 IN 30 SECS

IN 30 SECS  
 IN 30 SECS  
 IN 30 SECS

NO.	PER	TIME
01	0.00	0.00
02	0.00	0.00
03	0.00	0.00
04	0.00	0.00
05	0.00	0.00

WARRANT NO.  
 OPERATOR  
 DATE/TIME

*[Signature]*  
 OPERATOR

TEST OF NO. 1000 - 100  
 00:00:00  
 PROCEED - TEST BLANK  
 IN 30 SECS  
 IN 30 SECS  
 IN 30 SECS  
 IN 30 SECS

IN 30 SECS  
 IN 30 SECS  
 IN 30 SECS

NO.	PER	TIME
01	0.00	0.00
02	0.00	0.00
03	0.00	0.00
04	0.00	0.00
05	0.00	0.00

WARRANT NO.  
 OPERATOR  
 DATE/TIME

*[Signature]*  
 OPERATOR

## EXAMPLE TESTS Simulator Error

- There can be numerous reasons why an Operator could get a calibration check out of tolerance.
- Officers are taught to troubleshoot and limit the possibilities of simulator errors

Date of Calibration: 05-10-2013  
 Time of Calibration: 10:00 AM  
 Operator: J. J. J.  
 Station: 12345  
 Instrument: Intoxilyzer 8000  
 Calibration Gas: 100% Ethanol  
 Calibration Volume: 100 mL  
 Calibration Concentration: 0.05%  
 Calibration Result: 0.05%  
 Calibration Error: 0.00%  
 Calibration Status: Pass  
 Calibration Operator: J. J. J.  
 Calibration Date: 05-10-2013

*J. J. J.*

## RECENT CHALLENGES

Gas Standards

Traceability/Quality Control

Approved Devices

Uncertainty

Source Code

Adherence to SLD Regulations

RFI

## SLD rule as of 4/30/10

- A summary of the major changes in the rule includes:
- The current rule's format has been significantly reorganized to consolidate related topics.
- Additional definitions have been added especially in relationship to the breath instruments and other equipment and supplies used in breath testing.
- Provisions have been added to permit dry gas standards (of ethanol) for breath alcohol instruments in the future.
- Officer eligibility to be certified has been expanded with the removal of the requirement that peace officers be full-time employees. Reserve officers may also qualify if they are certified peace officers.

## Rule Summary

- Instruments at a location can serve as a portable breath testing instrument without prior SLD approval if the required procedures are followed and properly documented in the log book.
- Regulations will confirm that a portable breath instrument is certified anywhere in New Mexico.
- Proficiencies for Key Operators are reduced to four a year (from 6).
- SLD certified instructors must now maintain their Operator and Key Operator certifications and will be renewed on a yearly basis.
- The recommend time period to collect an initial blood sample is expanded to 3 hours in accord with current DWI legislation.
- Agencies will be required to furnish electronic data to SLD on a regular basis.
- Instrument locations are no longer approved. Agency must adhere to 7.33.2.10 concerning Adequate Operational Environment.

# Questions and Answers