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DUI Blog
Audit of Intoxilyzer® 8000 Data Reveals Extensive Problems

AUDIT OF INTOXILYZER® 8000 DATA REVEALS EXTENSIVE PROBLEMS

Upon our completion of yet another instrument audit on an Intoxilyzer® 8000, there is no doubt that this particular machine was NOT operating properly for at least two years. This Intoxilyzer®, which is owned and operated by an agency in Central Florida, obviously should have been removed from service some time ago. However, despite the malfunctioning of the machine, it remained in evidential use by the agency.

Our thorough and detailed audit of this particular Intoxilyzer®, found that during 2010 and 2011, there were 161 breath tests administered by the agency using this instrument. Out of the 161 breath tests conducted, only 46% were completed without an "error message". This means that the majority of the breath tests conducted, during 2010 and 2011, were aborted due to numerous errors with the machine.

During the last two years, 29% of the breath tests performed on this instrument resulted in a PURGE FAIL; with a few of these PURGE FAILS being physically impossible. A PURGE FAIL is the instrument's inability to clear alcohol vapors from the sample chamber. If there is no alcohol in the sample chamber, it should NEVER result in a PURGE FAIL. However, it did occur with this instrument; which clearly demonstrates that the machine was malfunctioning and should have been removed from evidential use at least two years ago.

Adding to the issue, 38% of the completed breath tests found that the accused was BELOW a 0.08 breath alcohol concentration. In fact, a vast majority of them blew 0.000.

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Based on these findings, no result generated from this Intoxilyzer® should be considered scientifically reliable. Despite the critical problems with this breath test instrument, a review of the 2010 and 2011 Agency and Department Inspections show the instrument WAS in compliance with Chapter 11D-9 F.A.C.

This illustrates that the Florida Department of Law Enforcement's Annual Inspections of the Intoxilyzer®, as well as the Agency's Monthly Inspections, do NOT identify ALL problems with a breath test instrument. However, a complete and thorough instrument audit, by a qualified expert, can uncover and expose problems that were NOT found, during these inspections.

Keep in mind that this audit is only a two year review of a SINGLE instrument being used in the State of Florida. There are over 400 Intoxilyzers® in use throughout the state that have been in use since March of 2006.

I am certain that this instrument is NOT the only one with problems. Each instrument should have a complete and comprehensive performance audit to help with the quality control process. FDLE does not have the staff or time to audit each instrument.

Instrument audits are only one of the many services offered by Forensic Alcohol Consulting and Training, LLC. Call us to learn how we may be able to assist you with your DUI case.

Materiality

Georgia's DUI Breath Testing

Program: Why It Does Not Assure

Scientific Reliability

Intoxilyzer® 8000: Flow Sensor

Problems in Florida

Put a true professional on your side with the experience, training and education Mr. Malhiot can provide your team.

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