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What Is Next for Florida's Alcohol Testing Program?

Posted on Apr 9, 2013 11:36am EDT



Now that Laura Barfield has resigned from the Florida Department of Law Enforcement's Alcohol Testing Program there is a huge "brain drain" within the program area. Not a single person currently within the Alcohol Testing Program's staff has any history of being present during the development of the Intoxilyzer® 8000 and the writing of the Administrative Rules (Chapter 11D-8 F.A.C.)

Department Inspector Pat Murphy, who remains on staff with FDLE-ATP, is now the senior person within the program. Mr. Murphy was not present when the rules were being written or the Intoxilyzer® 8000 was being developed in 2002. Mr. Murphy joined the Alcohol Testing Program in 2009; upon which I personally trained him for the position of a Department Inspector, during 2009 and 2010.

Throughout the years, FDLE-ATP has continued to have problems in maintaining a full staff. Today, we find there has been a 100% turnover in personnel. Between 2002, and now, there may have been only a year or two that the program was fully staffed.

It is now imperative that FDLE management evaluate this program area. With a cost to the taxpayers of well over half a million dollars a year; it is time for a complete review of the way Florida manages their breath and blood alcohol testing programs. Florida Administrative Code 11D-8 needs to be re-written to allow the local law enforcement agencies flexibility in managing breath alcohol testing. Does the State really need FDLE to manage breath alcohol testing? Should guidelines be simplified and delegated to the local police agencies? These are just some of the questions that should be addressed.

The Alcohol Testing Program has suffered from lack of oversight for way too long. Just look at the chain of command. The Alcohol Testing Program is placed within the Professional Program Area and not under FDLE Laboratories. ATP is grouped together with all the other programs that no one seems to know what to do with. Alcohol Testing, DARE and Medical Examiners are all consolidated under the same supervisor. These three programs have

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absolutely nothing in common, other than the fact that they do not fit any place else within the FDLE chain of command.

After my review of the reports from the Internal FDLE investigations regarding Ms. Barfield's misconduct, my concerns regarding FDLE's lack of oversight and ineffective chain of command over the Alcohol Testing Program were further validated. The internal investigation recommends that the FDLE Commissioner "SUSTAIN" the findings that Ms. Barfield violated; which included Unbecoming Conduct, Misuses of Resources and Insubordination.

Looking at the history of the program, Ms. Barfield is the third Alcohol Testing Program staff member to be the subject of an internal investigation. With the most recent events that have unfolded, NOW is the time for FDLE to put their core values to work and rebuild what has finally collapsed. FDLE needs to take appropriate action, while they have this opportunity. With Ms. Barfield's absence, as well as others who have resigned, fifty percent of the Alcohol Testing Program positions are now vacant.

The citizens of Florida demand and deserve better from trusted government officials. If there are going to be per se laws that make it a crime to have an alcohol concentration of 0.08 or above while driving, then those who determine the scientific reliability of the analyses MUST be above reproach. There can be no more "business as usual". A complete and thorough, top down review of FDLE's Alcohol Testing Program and its management is VITAL. Simply hiring a new manager and moving on is unacceptable. Part of the problem is that FDLE itself does not possess the core knowledge of what the Alcohol Testing Program entails. With the current breakdown in ATP, corrective action must be taken immediately.

The Alcohol Testing Program mission statement makes reference to ensuring the scientific reliability of blood and breath alcohol testing. In their present situation, FDLE-ATP can NOT insure the reliability of anything they do.

Read the Full FDLE Internal Investigation

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