



The Commonwealth of Massachusetts
Department of State Police

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Date: March 9, 2015

To: Tara Maguire, Executive Director of the Massachusetts District Attorneys Association

From: Melissa O'Meara, Technical Leader, Office of Alcohol Testing, MSP Forensic Services Group

Cc: Major Joseph Mason, Deputy Division Commander, MSP Forensic Services Group
Kristen Sullivan, Laboratory Director, MSP Forensic Services Group
Monika Bewtra, Quality Assurance Forensic Chemistry, MSP Forensic Services Group
Nancy Brooks, Section Manager Forensic Chemistry, MSP Police Forensic Services Group

Subject: Implied Consent Breath Test Calibration Test Below or Above 501 CMR 2.00

1. 501 CMR 2.11 (3) states that "The gas calibration standard used as part of a valid Implied Consent Breath Test sequence shall be manufactured at an alcohol concentration of 0.080% +/- .005%. The test shall be considered valid and the device operating properly if the result of the analysis of the gas calibration standard shows an alcohol concentration of 0.074% - 0.086%. The result shall be truncated to three decimal places."
2. Attached is a list of breath test reports containing the breathalyzer instrument's serial number, subject's name, subject's date of arrest, and subject's driver's license number and whose gas calibration standard did not meet the 501 CMR 2.11(3) requirements between 0.074% - 0.086%. These breath test reports contained a reported breath test result.

Sincerely Submitted,

Melissa C. O'Meara
Technical Leader, OAT MSP FSG

Excellence In Service Through Quality Forensic Science