



OFFICE OF THE DISTRICT ATTORNEY

County of Ventura, State of California

GREGORY D. TOTTEN
District Attorney

JAMES D. ELLISON
Chief Assistant District Attorney

MICHAEL K. FRAWLEY
Chief Deputy District Attorney
Criminal Prosecutions

CHERYL M. TEMPLE
Chief Deputy District Attorney
Special Prosecutions

MICHAEL D. SCHWARTZ
Special Assistant District Attorney

ROBERT A. BRINER
Chief Investigator

April 15, 2011

I
Santa Barbara, CA 93101

Re: ; Case No. :

Dear _____:

The purpose of this letter is to advise you that the breath testing instrument in the above referenced case has been pulled from service by the Ventura County Sheriff's Crime Laboratory.

The Ventura County District Attorney's Office was recently advised by the laboratory that it has removed from service the new portable evidentiary breath testing devices (Alco-Sensor V) that it distributed to law enforcement agencies in January and February of this year. The Alco-Sensor V instruments were in service between January 20, 2011, and March 31, 2011.

Eight of the 125 devices purchased by the laboratory were returned to the manufacturer for evaluation due to erratic test results. The serial numbers associated with these eight devices are as follows: 5097, 5161, 5186, 5231, 5232, 5234, and 5227. Enclosed, please find a copy of a letter from the manufacturer to the crime laboratory outlining the nature of the issue concerning the Alco-Sensor V instruments. Based on the manufacturer's preliminary explanation of a manufacturing issue with these eight devices and pending its proposed solution, the laboratory removed all remaining devices from field service in an abundance of caution.

While it appears that the problem is limited to the eight instruments mentioned above, it is the position of the District Attorney's Office to err on the side of caution and advise all defendants in DUI cases where an Alco-Sensor V instrument was used as an evidential breath testing instrument of this information.

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The crime laboratory is in communication with the manufacturer of these devices, and is attempting to assess the parameters of the manufacturing issue. When we have more information on this issue, we will share it with you. If you have any questions, please do not hesitate to contact me at ().

Very truly yours,



KEVIN DRESCHER
Supervisor, General Felony Unit

Enclosure

pc: Case File

Intoximeters

World Leader In Breath Alcohol Testing for Over Sixty Years

April 1, 2011

Renee Artman
Forensic Services Bureau Manager
Ventura County Sheriff's Office
Forensic Science Laboratory
800 South Victoria Avenue
Ventura, CA 93009

Re: Alco-Sensor V @ Point of Arrest Systems

Dear Renee,

With your Laboratory's assistance, we have discovered an issue with our Alco-Sensor V instrument that needs to be addressed.

As you know, over the course of forty years we have manufactured a series of fuel cell based instruments in the Alco-Sensor product line, including the; Alco-Sensor, Alco-Sensor III, Alco-Sensor IV, and most recently the Alco-Sensor V. The information that you provided to us recently indicated there could be an issue with the Alco-Sensor V that we have not seen in any other Intoximeters instrument. In particular, the test data from some of your instruments suggested that certain conditions could produce erratic results on the Alco-Sensor V.

After testing a number of Alco-Sensor V instruments, including instruments returned to us from Ventura County, under a variety of conditions, we believe that we have identified the cause of the erratic results. Our test results, along with direct observation, indicate that under certain conditions, liquid can enter the Alco-Sensor V sampler. While this event is infrequent, the presence of liquid in the sample chamber can lead to a RFI error message, a sensor timeout message or can produce erratic alcohol results. This issue is unique to the Alco-Sensor V's current sample inlet and mouthpiece design.

In order to address the issue, we have performed tests on the existing sample inlet and mouthpiece design and on a variety of design modifications. We were able to reproduce erratic results similar to those observed in your data using the current Alco-Sensor V production design. Based on this information, we have revised the sample inlet and mouthpiece design. When tested under the same rigorous conditions, using the modified sample inlet and mouthpiece design, the Alco-Sensor V does not produce erratic results.