

Email as PER test impacted refusal only -
Melissa

Dumas, Michelle (POL)

From: Dumas, Michelle (POL)
Sent: Thursday, May 01, 2014 1:14 PM
To: 'rcasagrande@hullpolice.org'
Cc: O'Meara, Melissa (POL)
Subject: Hull PER Test 140 Outside Tolerance
Importance: High
Attachments: Hull PER Test 140.pdf

OIC Sgt. Casagrande,

On 4/23/2014 Periodic Test #140 was conducted on your BT. OAT records indicate that this PER test failed (see attached OAT PER Test #140) because it was outside of the calibration standard indicated in CMR 2.11 = .074% to .086%. Please check your original printout to confirm this finding. As an OIC you may have to explain the reason for this deviation in court. Your original paperwork may indicate "PASS". The current firmware did not catch the tolerance deviation. So it becomes very important for you to verify the test results.

Please conduct another PER test ASAP and check the results to confirm they are within the tolerance range. If they are within range continue with using your BT, if not within range please call OAT and stop using your BT.

Please note: 1 OUI 90-24 arrest has been impacted by PER Test #140 = 1 Refusal (sequential #141).

If you have any questions please call or email. Thank you.

Michelle Dumas
Program Coordinator
Massachusetts State Police
Office of Alcohol Testing
31 Macarthur Ave.
Devens, MA 01434
978-392-4053 (phone)
978-392-4030 (fax)
978-392-4050 (main)

To locate a Breath Test Operator class in your area go to the MPTC web page, look at the "Specialized Professional Development" section and then call OAT to register for a class.

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Email only - no 90-24 associated with this PER
test - melissa

Dumas, Michelle (POL)

From: Dumas, Michelle (POL)
Sent: Thursday, May 01, 2014 1:09 PM
To: 'rnunes@chicopeepolice.com'; 'mklaus@chicopeepolice.com'
Cc: O'Meara, Melissa (POL)
Subject: Chicopee PER 189 Outside Tolerance
Importance: High
Attachments: Chicopee PER Test 189.pdf

OIC Lt. Nunes & Sgt. Klaus,
On 4/27/2014 Periodic Test #189 was conducted on your BT. OAT records indicate that this PER test failed (see attached OAT PER Test #189) because it was outside of the calibration standard indicated in CMR 2.11 = .074% to .086%. Please check your original printout to confirm this finding. As an OIC you may have to explain the reason for this deviation in court. Your original paperwork may indicate "PASS". The current firmware did not catch the tolerance deviation. So it becomes very important for you to verify the test results.

Please conduct another PER test ASAP and check the results to confirm they are within the tolerance range. If they are within range continue with using your BT, if not within range please call OAT and stop using your BT.

Please note: As of today no cases have been impacted by PER Test 189 being outside of tolerance.

If you have any questions please call or email. Thank you.

Michelle Dumas
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To locate a Breath Test Operator class in your area go to the MPTC web page, look at the "Specialized Professional Development" section and then call OAT to register for a class.

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Letter not created yet - Melissa

Dumas, Michelle (POL)

From: Dumas, Michelle (POL)
Sent: Friday, February 07, 2014 11:24 AM
To: gnihan@hanoverpolice.org; sgtowens@hanoverpolice.org
Cc: O'Meara, Melissa (POL)
Subject: Hanover PD PER Outside Tolerance
Importance: High
Attachments: Hanover PER Test 132.pdf

BATS OIC Nihan and Owens:

On 11/26/2013 Periodic Test #132 was conducted on your BT. OAT records indicate that this PER test failed (see attached OAT PER Test #132) because it was outside of the calibration standard indicated in CMR 2.11 = .074% to .086%. Please check your original printout to confirm this finding.

Please note: 1 OUI 90-24 arrest has been impacted by PER Test #132. It is sequential test #133. As an OIC you may have to explain the reason for this deviation in court. Even though your printout may say PASS...the current firmware did not catch the tolerance deviation. It is very important that you monitor the results of every PER test you conduct. If a future PER test is outside tolerance, please conduct another ASAP...if this one is outside tolerance please contact OAT and stop using your BT.

If you have any questions please call or email. Thank you.
Michelle

Michelle Dumas
Program Coordinator
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The Commonwealth of Massachusetts

Department of State Police

DEVAL L. PATRICK
GOVERNOR

ANDREA J. CABRAL
SECRETARY

COLONEL TIMOTHY P. ALBEN
SUPERINTENDENT

Office of Alcohol Testing

31 Macarthur Avenue

Devens, Massachusetts 01434

Telephone (978) 392-4050 Facsimile (978) 392-4030

Date: March 11, 2014

To: Lt Thomas Dion, Officer in Charge of Breathalyzer at Attleboro PD
Sgt Timothy Cook Jr, Officer in Charge of Breathalyzer at Attleboro PD

From: Dr. Matthew Juhascik, Deputy Director Forensic Chemistry, Massachusetts State Police Forensic Services Group

Cc: Major Joseph Mason, Deputy Division Commander, Massachusetts State Police Forensic Services Group
Kristen Sullivan, Laboratory Director, Massachusetts State Police Forensic Services Group
Nancy Brooks, Section Manager Forensic Chemistry, Massachusetts State Police Forensic Services Group

Subject: Periodic Test Below Tolerance Level

1. This letter is to document the communication on January 24, 2014 from the Office of Alcohol Testing to the Officers in Charge.
2. 501 CMR 2.12 (1) states that "The periodic test sequence shall consist of five calibration standard analysis tests. The results for the alcohol concentration of each of these tests must be inside the range specified in 501 CMR 2.11..." 501 CMR 2.11 (3) states "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%".
3. On January 14, 2013, BT Instrument ARBF-0080 at Attleboro PD, had a periodic test run by Officer James Keane that did not fall within the acceptable range of 0.074%-0.086%.
4. BT Instrument ARBF-0080, periodic test sequential test number 165, had an IR result of 0.072% for Test 4 and 0.073% for Test 5.
5. According to the Office of Alcohol Testing's records, fifteen 90-24 tests (eleven BT tests and 4 Refusals) were performed after this periodic test. It was ARBF-0080 sequential numbers 175 through 189.
6. Discovery documents from the Office of Alcohol Testing containing this periodic test were provided to Attleboro District Court for one of these 90-24 cases.

Respectfully submitted,

Matthew Juhascik
Deputy Director Forensic Chemistry



The Commonwealth of Massachusetts

Department of State Police

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Office of Alcohol Testing

31 MacArthur Avenue

Devens, Massachusetts 01434

Telephone (978) 392-4050 Facsimile (978) 392-4030

Date: March 11, 2014

To: Trooper Keith Sweeney, Officer in Charge of Breathalyzer at SP Norwell D-1 Barracks
Trooper James Duchini, Officer in Charge of Breathalyzer at SP Norwell D-1 Barracks

From: Dr. Matthew Juhascik, Deputy Director Forensic Chemistry, Massachusetts State Police Forensic Services Group

Cc: Major Joseph Mason, Deputy Division Commander, Massachusetts State Police Forensic Services Group
Kristen Sullivan, Laboratory Director, Massachusetts State Police Forensic Services Group
Nancy Brooks, Section Manager Forensic Chemistry, Massachusetts State Police Forensic Services Group

Subject: Periodic Test Below Tolerance Level

1. This letter is to document the communication on January 23, 2014 from the Office of Alcohol Testing to the Officers in Charge.
2. 501 CMR 2.12 (1) states that "The periodic test sequence shall consist of five calibration standard analysis tests. The results for the alcohol concentration of each of these tests must be inside the range specified in 501 CMR 2.11..." 501 CMR 2.11 (3) states "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%".
3. On August 27, 2013, BT Instrument ARBF-0061 at SP Norwell D-1 had a periodic test run by Trooper James Duchini that did not fall within the acceptable range of 0.074%-0.086%.
4. BT Instrument ARBF-0061, periodic test sequential test number 282, had an IR result of 0.073% for Test 5.
5. According to the Office of Alcohol Testing's records, twenty 90-24 tests (seven BT tests and thirteen Refusals) were performed after this periodic test. It was ARBF-0061 sequential numbers 283 through 305.
6. Discovery documents from the Office of Alcohol Testing containing this periodic test were provided to Quincy District Court for one of these 90-24 cases.

Respectfully submitted,

Matthew Juhascik
Deputy Director Forensic Chemistry

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The Commonwealth of Massachusetts

Department of State Police

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Office of Alcohol Testing

34 Macarthur Avenue

Devens, Massachusetts 01434

Telephone (978) 392-4050 Facsimile (978) 392-4030

Date: March 11, 2014

To: Officer Peter Greeno, Officer in Charge of Breathalyzer at Sutton PD
Officer Joseph Fortunato III, Officer in Charge of Breathalyzer at Sutton PD

From: Dr. Matthew Juhascik, Deputy Director Forensic Chemistry, Massachusetts State Police Forensic Services Group

Cc: Major Joseph Mason, Deputy Division Commander, Massachusetts State Police Forensic Services Group
Kristen Sullivan, Laboratory Director, Massachusetts State Police Forensic Services Group
Nancy Brooks, Section Manager Forensic Chemistry, Massachusetts State Police Forensic Services Group

Subject: Periodic Test Below Tolerance Level

1. This letter is to document the communication on January 22, 2014 from the Office of Alcohol Testing to the Officers in Charge.
2. 501 CMR 2.12 (1) states that "The periodic test sequence shall consist of five calibration standard analysis tests. The results for the alcohol concentration of each of these tests must be inside the range specified in 501 CMR 2.11..." 501 CMR 2.11 (3) states "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%".
3. On December 28, 2013, BT Instrument ARBE-0052 at Sutton PD, a periodic test run by Officer Joseph Fortunato did not fall within the acceptable range of 0.074%-0.086%.
4. BT Instrument ARBE-0052, periodic test sequential test number 193, had an IR result of 0.071% for Test 2.
5. According to the Office of Alcohol Testing's records, one 90-24 test was performed after this periodic test. It was ARBF-0080 sequential number 194, subject Michael Hackett.
6. Discovery documents from the Office of Alcohol Testing containing this periodic test were provided to Uxbridge District Court for this case.

Respectfully submitted,

Matthew Juhascik
Deputy Director Forensic Chemistry

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The Commonwealth of Massachusetts

Department of State Police

DEVAL L. PATRICK
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SUPERINTENDENT

Office of Alcohol Testing

31 Macarthur Avenue

Devens, Massachusetts 01434

Telephone (978) 392-4050 Facsimile (978) 392-4030

Date: March 11, 2014

To: Officer Jason Wetherbee, Officer in Charge of Breathalyzer at Westminster PD
Officer Jason Tamulen, Officer in Charge of Breathalyzer at Westminster PD

From: Dr. Matthew Juhascik, Deputy Director Forensic Chemistry, Massachusetts State Police Forensic Services Group

Cc: Major Joseph Mason, Deputy Division Commander, Massachusetts State Police Forensic Services Group
Kristen Sullivan, Laboratory Director, Massachusetts State Police Forensic Services Group
Nancy Brooks, Section Manager Forensic Chemistry, Massachusetts State Police Forensic Services Group

Subject: Periodic Test Below Tolerance Level

1. This letter is to document the communication on February 18, 2014 from the Office of Alcohol Testing to the Officers in Charge.
2. 501 CMR 2.12 (1) states that "The periodic test sequence shall consist of five calibration standard analysis tests. The results for the alcohol concentration of each of these tests must be inside the range specified in 501 CMR 2.11..." 501 CMR 2.11 (3) states "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%".
3. On November 6, 2013, BT Instrument ARBK-0080 at Westminster PD, had a periodic test run by Officer Jason Tamulen that did not fall within the acceptable range of 0.074%-0.086%.
4. BT Instrument ARBK-0080, periodic test sequential test number 141, had an IR result of 0.073% for Test 1.
5. According to the Office of Alcohol Testing's records, four 90-24 tests (three BT tests and one Refusal) were performed after this periodic test. It was ARBK-0080 sequential numbers 142 through 145.
6. Discovery documents from the Office of Alcohol Testing containing this periodic test were provided to Gardner District Court for one of these 90-24 cases.

Respectfully submitted,

Matthew Juhascik
Deputy Director Forensic Chemistry

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The Commonwealth of Massachusetts

Department of State Police

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Office of Alcohol Testing

31 Macarthur Avenue

Dorven, Massachusetts 01434

Telephone (978) 392-4050 Facsimile (978) 392-4030

Date: June 23, 2014

To: Major Donald Rose, Officer in Charge of Breathalyzer at Dukes County Sheriff
Lt. Eric Bettencourt, Officer in Charge of Breathalyzer at Dukes County Sheriff

From: Nancy Brooks, Section Manager Forensic Chemistry, Massachusetts State Police Forensic Services Group

Cc: Major Joseph Mason, Deputy Division Commander, Massachusetts State Police Forensic Services Group
Kristen Sullivan, Laboratory Director, Massachusetts State Police Forensic Services Group
Melissa O'Meara, OAT Technical Leader Forensic Chemistry, Massachusetts State Police Forensic Services Group

Subject: Periodic Test Below Tolerance Level

1. This letter is to document the communication on April 29, 2014 from the Office of Alcohol Testing to the Officers in Charge.
2. 501 CMR 2.12 (1) states that "The periodic test sequence shall consist of five calibration standard analysis tests. The results for the alcohol concentration of each of these tests must be inside the range specified in 501 CMR 2.11..." 501 CMR 2.11 (3) states "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%".
3. On March 12, 2014, BT Instrument ARBA-0001 at Dukes County Sheriff, had a periodic test run by Major Donald Rose that did not fall within the acceptable range of 0.074%-0.086%.
4. BT Instrument ARBA-0001, periodic test sequential test number 639, had an IR result of 0.072% for Test 1, 0.071% for Test 2, 0.071% for Test 3, 0.072% for Test 4 and 0.071% for Test 5.
5. According to the Office of Alcohol Testing's records, five 90-24 tests (four BT tests and one Refusal) were performed after this periodic test. It was ARBA-0001 sequential numbers 640 through 644.
6. Discovery documents from the Office of Alcohol Testing containing this periodic test were provided to Edgartown District Court for one of these 90-24 cases.

Sincerely Submitted,

Excellence In Service Through Quality Forensic Science



The Commonwealth of Massachusetts

Department of State Police

DEVAL L. PATRICK
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COLONEL TIMOTHY P. ALBEN
SUPERINTENDENT

Office of Alcohol Testing

31 Macarthur Avenue

Devens, Massachusetts 01434

Telephone (978) 392-4050 Facsimile (978) 392-4030

Date: April 2, 2014

To: Sgt. Richard McCarty, Officer in Charge of Breathalyzer at Lincoln PD
Sgt. Sean Kennedy, Officer in Charge of Breathalyzer at Lincoln PD

From: Dr. Matthew Juhascik, Deputy Director Forensic Chemistry, Massachusetts State Police Forensic Services Group

Cc: Major Joseph Mason, Deputy Division Commander, Massachusetts State Police Forensic Services Group
Kristen Sullivan, Laboratory Director, Massachusetts State Police Forensic Services Group
Nancy Brooks, Section Manager Forensic Chemistry, Massachusetts State Police Forensic Services Group

Subject: Periodic Test Below Tolerance Level

1. This letter is to document the communication on April 2, 2014 from the Office of Alcohol Testing to the Officers in Charge.
2. 501 CMR 2.12 (1) states that "The periodic test sequence shall consist of five calibration standard analysis tests. The results for the alcohol concentration of each of these tests must be inside the range specified in 501 CMR 2.11..." 501 CMR 2.11 (3) states "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%".
3. On March 8, 2014, BT Instrument ARBK-0044 at Lincoln PD, had a periodic test run by Sgt. Richard McCarty that did not fall within the acceptable range of 0.074%-0.086%.
4. BT Instrument ARBK-0044, periodic test sequential test number 135, had an IR result of 0.073% for Test 1.
5. According to the Office of Alcohol Testing's records, three 90-24 tests (two BT tests and one Refusal) were performed after this periodic test. It was ARBK-0044 sequential numbers 136 through 138.
6. Discovery documents from the Office of Alcohol Testing containing this periodic test were provided to Concord District Court for one of these 90-24 cases.

Sincerely Submitted,



DEVAL L. PATRICK
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SUPERINTENDENT

The Commonwealth of Massachusetts

Department of State Police

Office of Alcohol Testing

31 Macarthur Avenue

Devens, Massachusetts 01434

Telephone (978) 392-4050 Facsimile (978) 392-4030

Date: June 11, 2014

To: Sgt. William Griffin, Officer in Charge of Breathalyzer at Northboro PD
Sgt James Bruce, Officer in Charge of Breathalyzer at Northboro PD

From: Dr. Matthew Juhascik, Deputy Director Forensic Chemistry, Massachusetts State Police Forensic Services Group

Cc: Major Joseph Mason, Deputy Division Commander, Massachusetts State Police Forensic Services Group
Kristen Sullivan, Laboratory Director, Massachusetts State Police Forensic Services Group
Nancy Brooks, Section Manager Forensic Chemistry, Massachusetts State Police Forensic Services Group

Subject: Periodic Test Below Tolerance Level

1. This letter is to document the communication on May 1, 2014 from the Office of Alcohol Testing to the Officers in Charge.
2. 501 CMR 2.12 (1) states that "The periodic test sequence shall consist of five calibration standard analysis tests. The results for the alcohol concentration of each of these tests must be inside the range specified in 501 CMR 2.11..." 501 CMR 2.11 (3) states "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%".
3. On February 27, 2014, BT Instrument ARBE-0077 at Northboro PD had a periodic test run by Sgt. James Bruce that did not fall within the acceptable range of 0.074%-0.086%.
4. BT Instrument ARBE-0077, periodic test sequential test number 312, had an IR result of 0.072% for Test 3.
5. According to the Office of Alcohol Testing's records, fifteen 90-24 tests (five BT tests and ten Refusals) were performed after this periodic test. It was ARBE-0077 sequential numbers 316 through 332.
6. Discovery documents from the Office of Alcohol Testing containing this periodic test were provided to Westboro District Court for one of these 90-24 cases.

Sincerely Submitted,

Excellence In Service Through Quality Forensic Science



The Commonwealth of Massachusetts

Department of State Police

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

DANIEL BENNETT
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Office of Alcohol Testing

124 Acton Street

Weymouth, Massachusetts 01754

Telephone (857) 377-3030 Facsimile (857) 377-3035

Date: March 20, 2015

To: Sgt. Peter Curran, Officer in Charge of Breathalyzer at Norwood Police Department
Sgt. David Benton, Officer in Charge of Breathalyzer at Norwood Police Department

From: Nancy Brooks, Section Manager Forensic Chemistry, Massachusetts State Police Forensic Services Group

Cc: Major Joseph Mason, Deputy Division Commander, Massachusetts State Police Forensic Services Group
Kristen Sullivan, Laboratory Director, Massachusetts State Police Forensic Services Group
Melissa O'Meara, OAT Technical Leader Forensic Chemistry, Massachusetts State Police Forensic Services Group

Subject: Periodic Test Above Tolerance Level

1. This letter is to document the communication on March 20, 2015 from the Office of Alcohol Testing to the Officers in Charge.
2. 501 CMR 2.12 (1) states that "The periodic test sequence shall consist of five calibration standard analysis tests. The results for the alcohol concentration of each of these tests must be inside the range specified in 501 CMR 2.11..." 501 CMR 2.11 (3) states "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%".
3. On January 29, 2015, BT instrument ARBK-0012 at Norwood Police Department, had a periodic test run by Sgt. David Benton that did not fall within the acceptable range of 0.074%-0.086%.
4. BT instrument ARBK-0012, periodic test sequential test number 228, had an IR result of 0.090% for Test 1.
5. According to the Office of Alcohol Testing's records, nine 90-24 tests (three BT tests and six Refusals) were performed after this periodic test. It was ARBK-0012 sequential numbers 229 through 240.
6. Discovery documents from the Office of Alcohol Testing containing this periodic test were provided to Dedham District Court for one of these 90-24 cases.

Sincerely Submitted,

Excellence In Service Through Quality Policing