

Change.org Petition # 1 - Mandatory Standardized Breath Testing Practice For All States

To: Department of Transportation - National Highway Traffic Safety Administration (NHTSA)

For: Mandatory Standardized Breath Testing Practice For All States

By: DUIstopped.US

City: Treasure Island, FL

Why is this important?

The Subject Breath Test and Monthly Inspections:

Every state that uses a 'specific' breath test machine , i.e.: Intoxilyzer 8000, Datamaster, Intox EC/IR... should have mandatory standardized Subject Breath Testing practices and standardized Monthly Inspections, and standardized Calibration Procedures and standardized Data Reporting Procedures.

Eighteen states only require 1 breath sample – every state should require at least 2 breath test samples per test and require monthly inspections using wet bath solutions and dry gas. In addition all states should have mandatory standardized calibration procedures for the Optic Bench and Pressure Transducers/Flow Sensors to verify that the devices are still operating within the manufacturers' calibration tolerances.

Using the Breath Test Evidence in Court:

The lack of transparency in breath testing creates doubt as to the scientific reliability and accuracy of any result from all breath test machines.” One of the flaws, one of the deficiencies in our current alcohol programs is that all breath test machines have the capability of retaining and reporting more data than the states have chosen to retain. Some states retain and report greater amounts of data than other states. The problem by not retaining and reporting all the data comes back to that very general premise, ‘The validity results is only as good as the amount of information available to substantiate those results. So if the information is limited, it doesn't really tell the public, the courts and the juries the truth.

The essential component of due process is notice and every state should have mandatory data reporting in order to disclose all underlying calculation data points of all reported BrAC results that are to be used by the state in criminal proceedings.

Conclusion:

Standardizing breath procedures will give the public a better insight into the real world testing scenario and operational statistics of breath test devices used in criminal proceedings and help ensure BrAC evidence is accurate and reliability while adding another layer due process protection for all defendants in all alcohol driving impaired related criminal proceedings.

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