

JAY INSLEE
Governor



JOHN R. BATISTE
Chief

STATE OF WASHINGTON
WASHINGTON STATE PATROL

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July 8, 2021

Washington Association of Prosecuting Attorneys
206 10th Ave SE
Olympia, WA 98501

Subject: Potential Impeachment Disclosure Concerning Evidential Breath Test Results – Follow-up

On June 16th, 2021, the Impaired Driving Section (IDS) notified the Washington Association of Prosecuting Attorneys of a difference between the process used by the Draeger Alcotest 9510 to determine agreement of duplicate breath samples and the Washington Administrative Code (WAC 448-16-060).

Continued analysis of breath test instrument data downloaded from Washington State Patrol Central Reporting Services has revealed eight total tests which appear to have met the acceptance criteria outlined in WAC 448-16-060 but were not accepted. No accepted breath tests have been identified as incorrectly meeting the acceptance criteria.

Below are the identified breath tests which appear to have met the acceptance criteria but were not accepted:

Serial Number	Date	Obs Time	Citation	Operator	BtAC 1 IR	BtAC 1 EC	B1 Time	BtAC 2 IR	BtAC 2 EC	B2 Time	Sta	Truncated MEAN, 4	Truncated Mean -10%	Truncated Mean +10%	Rounded MEAN, 4	Rounded Mean -10%	Rounded Mean +10%
ARAF-0005	11/12/2016	21:53	SECTOR	BOON, BRIAN C	0.107	0.106	22.13	0.120	0.127	22.17	10	0.1172	0.105	0.128	0.1173	0.105	0.129
ARAH-0009	12/5/2016	01:57	16-021934	MCGEE, MICHAEL L	0.013	0.014	02:21	0.011	0.013	02:24	10	0.0127	0.011	0.013	0.0128	0.011	0.014
ARKA-0067	3/17/2018	06:04	C19040764	ATER, TERRY E	0.019	0.016	06:34	0.016	0.016	06:37	10	0.0172	0.015	0.018	0.0173	0.015	0.019
ARHC-0003	11/11/2018	02:32	SECTOR	BANDERS, RUSSELL	0.146	0.151	02:52	0.125	0.127	02:57	10	0.1372	0.123	0.150	0.1373	0.123	0.151
ARJH-0032	4/18/2019	02:57	C19014766	MYKLEBUST, RILEY S	0.034	0.036	03:23	0.029	0.032	03:27	10	0.0327	0.029	0.035	0.0328	0.029	0.036
AREH-0025	7/12/2019	01:50	19-015497	SMITH, BREANNA L	0.017	0.019	02:11	0.016	0.016	02:14	10	0.0172	0.015	0.018	0.0173	0.015	0.019
ARJH-0048	11/15/2019	03:19	19-021643	WASHINGTON, NOLAN L	0.014	0.014	03:39	0.011	0.012	03:43	10	0.0127	0.011	0.013	0.0128	0.011	0.014
ARKC-0055	8/10/2020	18:38	20W11178	GONZALEZ, ALBERT	0.371	0.344	18:57	0.282	0.294	19:02	10	0.3127	0.281	0.343	0.3128	0.281	0.344

If you need additional information, please contact Lieutenant Clark Jones at Clark.Jones@wsp.wa.gov.

Sincerely,

Lieutenant Clark G. Jones
Impaired Driving Section

CGJ:skh

cc: Dr. Fiona J. Couper, Forensic Laboratory Services Bureau
Quality Assurance Manager Amanda M. Black, Forensic Laboratory Services Bureau

