

Report on the Progress Toward Identifying and Implementing an Accreditation Process for the Blood Alcohol Testing and Screening Program

In compliance with provision of H. 264 of the 2011 General
Assembly

Effective Date: January 7, 2013



**Vermont Department of Public Safety
Vermont Forensic Laboratory**

Progress on implementation of an accredited program for blood and breath alcohol testing at the Vermont Forensic Laboratory and transfer from the Department of Health

The Vermont Forensic Laboratory (VFL) provides forensic testing for state and local law enforcement agencies throughout Vermont. The VFL is ASCLD-LAB accredited, scheduled for re-accreditation in 2014. The passage of H. 264 transferred the authority for blood and breath alcohol testing from the Department of Health (DOH) to the Department of Public Safety effective March 1, 2012.

During the 2012 calendar year, the Alcohol Program was established at the Vermont Forensic Laboratory. The VFL ensured that the program transfer occurred on March 1, 2012 in a manner consistent with the other accredited sections of the laboratory.

The accreditation requirements of such a program were reviewed and put into place through consultation with individuals from the National Forensic Science Technology Center (NFSTC). The NFSTC reviewed the staffing needs, equipment, policies, processes and resources required to run the existing program at the Department of Health and then evaluated and made recommendations on how best to transition the program to the VFL. Individuals who provided the assessment are experts in the field and had the experience to guide us in establishing a program consistent with current accreditation standards. Based on the assessment, the VFL earmarked appropriate space within the lab for instrumentation needed to perform the various functions of the program. This included space to calibrate and maintain/repair the DataMaster DMT instruments for breath alcohol analysis; as well as space for the instrumentation required for blood alcohol analysis. Protocols were developed, reviewed and approved to document all aspects of the Blood and Breath Alcohol Program. The VFL took possession of and incorporated the instrumentation being transferred with the program. Prior to the transfer of authority, qualified staff reviewed all instrument re-deployment documentation for acceptance of the DMTs deployed within the State. The equipment transferred for use in blood alcohol analysis was verified. The approved protocols and procedures are in compliance with ISO 17025, meaning the program will meet those accreditation standards when the laboratory is next reviewed in 2014.

Perhaps the most important component of a successful program is qualified oversight. A supervisory position in the Blood and Breath Alcohol Program has been established. The individual hired into this position has a PhD in Pharmacology & Toxicology from Dartmouth College and is well qualified to run the program and provide needed leadership. This individual has forensic laboratory experience in the DNA program and, with assistance from the Quality Manager, developed protocols for the Blood and Breath Alcohol Program at the VFL. Staffing for the program that transitioned from the Department of Health included one chemist and one electronics technician. As the Vermont Department of Health Laboratory (VDHL) performs a variety of toxicological services other than those for the Blood and Breath Alcohol Program, oversight and administrative support was provided by the larger infrastructure of VDHL. The oversight and administrative support of the program remained to be implemented at the VFL when the program transferred on March 1st. To enable this program to function successfully, the VFL established the supervisory position, a second chemist position and an administrative assistant position for the program. The Alcohol Program stimulates far greater legal challenges and interest than any

section currently within the VFL and requires significant administrative support as well as consistent qualified oversight.

The immediate training needs of the VFL staff identified by the assessment were addressed and included training on the DMT instruments from the manufacturer, National Patent Analytical Systems (NPAS). This was accomplished prior to March 1st. Together with a subsequent training in July, the supervisor, quality manager and electronics technician have all participated in training provided by NPAS. The newly hired chemist will be provided training by NPAS in the near future. The electronics technician who transferred with the program resigned within a month of transfer from DOH. The VFL has hired and trained an electronics technician who is a valuable asset to the program and the VFL. The VFL Quality Manger has attended two trainings that outline the requirements of accredited DUI and calibration programs. The second chemist hired for this program has recently attended the Borkenstein Course on Alcohol and Highway Safety: Testing, Research and Litigation; a recommended course for someone providing expert testimony in alcohol physiology and pharmacology. Sufficient and appropriate training is important to future accreditation reviews as it is an integral part of a quality program.

A large component of the Alcohol Program is administrative. The VFL is in the process of implementing an electronic system to acquire DataMaster data. This will allow monitoring of instrument performance and track all aspects of instrument output, use and maintenance.

All of these steps ensure that the program meets current accreditation standards. Accreditation of the Blood and Breath Alcohol Program will be sought along with the entire laboratory in 2014. As the laboratory moves forward, all areas of forensic analysis will be striving to meet higher standards. At that time, all forensic laboratories will be required to attain accreditation to ISO 17025 standards. To ensure that we understand and meet those requirements, supervisors will be attending ISO accreditation preparation trainings in 2013, reviewing and revising where necessary, all protocols, procedures and documentation to ensure that all operations meet those standards.

Progress to date:

- Identification/hiring of a qualified individual to oversee the program (Dr. Trisha Conti)

- Development and documentation of protocols and procedures

- Transfer and verification of instrumentation from VDHL for blood and breath alcohol testing

- Assumption of authority for the Blood and Breath Alcohol Program March 1, 2012

- Hiring and training of an electronics technician for the Alcohol Program

- Hiring and training of a second chemist for the Alcohol Program

- Hiring and training of an administrative assistant for the Alcohol Program

- Blood and Breath Alcohol Rules amended – currently undergoing legislative review

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