



Texas Department of Public Safety

Information for the News Media

Media Relations Office

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DPS suspends breath test contractor over false inspections

The Texas Department of Public Safety has suspended the certification of an independent contractor who supervised breath alcohol tests for eight law enforcement agencies in the Houston area.

During a routine audit, DPS breath test employees found that electronic records had been altered to make it appear that the technical supervisor had inspected breath test instruments in several locations when the contractor had not in fact examined them to ensure that the calibrations were accurate.

“Once DPS found reason to believe that these records had been altered, we suspended the supervisor’s certification and opened up a criminal investigation by the Texas Rangers. We will take other actions as appropriate,” said Col. Stan Clark, interim director of the DPS. “These are serious allegations and we will not tolerate any activities that call into question the integrity of the breath test system. I want to emphasize that DPS discovered these irregularities and took immediate action.”

The DPS Forensic Breath Alcohol Laboratory regulates the state’s breath alcohol testing program. The tests are used to determine the concentration of alcohol in a person’s breath, and are used in prosecution of alcohol-related offenses such as driving while intoxicated. Technical supervisors—those who work for DPS and those who are hired by police agencies—are required to inspect each breath test instrument in person at least once per month.

DPS officials believe that the contractor had been falsifying records for up to a year and that at least 2,600 DWI cases could be affected by the falsified inspections. The breath test devices were located at the Clute Police Department, the Friendswood Police Department, the Galveston Police Department, the League City Police Department, the Pearland Police Department, the Seabrook Police Department, the South Houston Police Department and the Webster Police Department.

DPS Breath Test Program officials met with law enforcement agencies and prosecutors in Harris, Galveston and Brazoria counties on Friday to implement appropriate actions.

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For a recorded sound bite on this topic, call 512-424-2606
Read about DPS online at www.txdps.state.tx.us

The Forensic Breath Alcohol Laboratory manages the Department's technical supervisors and administratively manages technical supervisors employed by other agencies. The laboratory has certified 380 breath testing instrument locations and 5,600 breath test operators. The laboratory also provides expert testimony as needed in contested criminal, civil and administrative breath test cases.

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