

Graham, Thomas

From: Graham, Thomas
Sent: Tuesday, May 07, 2019 2:46 PM
To: 'Franz, Gordon'
Cc: Kirkland, Brett; Haughey, Michael
Subject: FW: Agency Inspection Inquiry
Attachments: Form 42 5-7-2019.pdf; 80-005810 AI 04012019.pdf; 80-005810 AI Mar 25 - April 24 2019.pdf

Mr. Franz,

In the previous email, I said you performed compliant inspections on 3/25/2019 and 2/24/2019. Please note that the 2/24/2019 date is incorrect. I should have typed 4/24/2019.

Thank you.

TJ Graham

From: Graham, Thomas
Sent: Tuesday, May 07, 2019 2:10 PM
To: 'Franz, Gordon'
Cc: Kirkland, Brett; Haughey, Michael
Subject: Agency Inspection Inquiry

Mr. Franz,

Please see the attachments regarding an Agency Inspection performed using Intoxilyzer 8000 #80-005810 on 04/01/2019. Per our conversation, please verify whether another Agency Inspector from your agency did or did not perform this inspection. You performed compliant inspections on 3/25/2019 and 2/24/2019 per our records.

Thank you in advance for your cooperation in this matter.

TJ Graham, D-ABFT-FA
Quality Assurance Manager
Alcohol Testing Program
Florida Department of Law Enforcement
Office: 850-617-1285
Cell: 850-445-7938

PLEASE NOTE : Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Your e-mail messages may, therefore, be subject to public disclosure.



Florida Department of
Law Enforcement

AGENCY INSPECTION AND OTHER ELECTRONIC DATA REVIEW

Agency: Lakeland Police Department

Instrument Serial Number: 80-005810

AGENCY INSPECTION DATA REVIEW		
Agency Inspector: RRR,RR,R	Date of Inspection: 04/01/2019	Time of Inspection: 03:16:43
Agency Inspection Discrepancy: <input checked="" type="checkbox"/> Incomplete <input type="checkbox"/> Untimely/Not Received <input checked="" type="checkbox"/> Erroneous Information <input checked="" type="checkbox"/> Procedural <input type="checkbox"/> Other _____		
<input type="checkbox"/> Agency Inspection Not Conducted or Records regarding Agency Inspection have not been uploaded.		
<input type="checkbox"/> Lot Number <input type="checkbox"/> Expiration Date for _____ g/ 210L <input type="checkbox"/> Alcohol Reference Solution <input type="checkbox"/> Dry Gas Standard is <input type="checkbox"/> Incorrect <input type="checkbox"/> Expired.		
<input type="checkbox"/> FDLE/ATP Form 39 states in part, "If a test must be repeated, the REASON must be entered when prompted and recorded in the Remarks section of FDLE/ATP Form 40 Agency Inspection Report – Intoxilyzer 8000. The <input type="checkbox"/> REASON for repeating the following test(s); OR the <input type="checkbox"/> Possible Cause and Corrective Action Taken on the following test(s) was not recorded: <input type="checkbox"/> Alcohol Free Subject Test <input type="checkbox"/> Mouth Alcohol Test <input type="checkbox"/> Alcohol Free Test <input type="checkbox"/> Interferent Detect Test <input type="checkbox"/> 0.05 g/210L Test <input type="checkbox"/> 0.08 g/210L Test <input type="checkbox"/> 0.20 g/210L Test <input type="checkbox"/> 0.08 g/210L Dry Gas Standard Test		
<input type="checkbox"/> FDLE/ATP Form 39 states in part, "If the instrument does not comply with the requirements of Chapter 11D-8, FAC, remove the instrument from service and notify the Department Inspector." <input type="checkbox"/> The Department Inspector was not notified. However, the issue was satisfactorily corrected and the repeated Agency Inspection complies with the requirements of Chapter 11D-8, FAC. <input type="checkbox"/> The Department Inspector was not notified. However, the repeated Agency Inspection does not comply with the requirements of Chapter 11D-8, FAC and the instrument was correctly removed from evidentiary use. <input type="checkbox"/> The Department Inspector was not notified. The repeated Agency Inspection does not comply with the requirements of Chapter 11D-8, FAC and the instrument was not removed from evidentiary use.		
<input checked="" type="checkbox"/> The Agency Inspection is noted as "Complies" when it does not comply with the requirements of Chapter 11D-8, FAC.		
<input type="checkbox"/> Other: _____		

OTHER ELECTRONIC DATA REVIEW	
<input type="checkbox"/> Login Records Date: _____	Comments: I am sending this inquiry to Agency Inspector Gordon Franz. The referenced Agency Inspection has multiple issues. The Agency Inspector on the form is not permitted to conduct Agency Inspections by the Department (RRR,RR,R), only 1 simulator is indicated as being used during the Agency Inspection, the instrument is deemed compliant when this Agency Inspection has not been completed in accordance with Form 39, and the remarks section indicate a "Subject Test Refusal". Mr. Franz, please investigate this Agency Inspection and inform me of your findings.
<input type="checkbox"/> Cylinder Change Records Date: _____	
<input type="checkbox"/> Control Test Records Date: _____	
<input type="checkbox"/> Diagnostic Check Records Date: _____	

CORRECTIVE ACTION
<input type="checkbox"/> Record hand-written amendments on the FDLE/ATP Form 40, Agency Inspection Report, initial and date the amendments, mark the report "AMENDED", and forward a copy to the Department Inspector by _____ (Date).
<input checked="" type="checkbox"/> Provide a written explanation regarding the referenced item(s) to the Department Inspector by <u>5/30/2019</u> (Date).
<input type="checkbox"/> Upload the Agency Inspection(s).
<input type="checkbox"/> Remove the instrument from evidentiary use until otherwise directed by the Department.
<input type="checkbox"/> No action required
<input type="checkbox"/> Other: _____


Signature of Alcohol Testing Program Staff Member

5/7/2019
Date

Florida Department of Law Enforcement

Alcohol Testing Program

Inspection Test Electronic Data

CMI, Inc. Intoxilyzer 8000 Serial Number: 80-005810

Agency LAKELAND PD	Date 03/25/2019	Type	Agency Inspection
Inspector FRANZ, GORDON, L	Time 11:44:17	Software	8100.27

0.05 Lot # 201802B	0.08 Lot # 201709A	0.20 Lot # 201802G	0.08 Gas Lot # 17817080A3
Expiration 02/06/2020	Expiration 09/12/2019	Expiration 02/22/2020	Expiration 08/05/2019

Number of Simulators 5

Compliance Yes

Check or Test	Result	Test	Result
Diagnostic Check (Pre-Inspection): OK	Yes	Alcohol Free Test # 1	0.000
Date and/or Time Adjusted	No	0.05 g/210L Test # 1	0.047
Minimum Sample Volume Check: OK		0.08 g/210L Test # 1	0.078
Barometric Pressure Sensor Check: OK		0.20 g/210L Test # 1	0.201
Alcohol Free Subject Test: 0.000	Yes	0.08 g/210L Dry Gas Std Test # 1	0.078
Mouth Alcohol Test: Slope Not Met	Yes	Interferent Detect Test # 1	INT
Interferent Detect Test: Interferent Detect	Yes	Alcohol Free Test # 2	0.000
Diagnostic Check (Post-Inspection): OK	Yes	0.05 g/210L Test # 2	0.048
Alcohol Free Test: OK	Yes	0.08 g/210L Test # 2	0.079
0.05 g/210L Test: OK	Yes	0.20 g/210L Test # 2	0.201
0.08 g/210L Test: OK	Yes	0.08 g/210L Dry Gas Std Test # 2	0.078
0.20 g/210L Test: OK	Yes	Interferent Detect Test # 2	INT
0.08 g/210L Dry Gas Std Test: OK	Yes	Alcohol Free Test # 3	0.000
		0.05 g/210L Test # 3	0.048
		0.08 g/210L Test # 3	0.079
		0.20 g/210L Test # 3	0.201
		0.08 g/210L Dry Gas Std Test # 3	0.079
		Interferent Detect Test # 3	INT

Remarks:

Data Download Date/Time 03/25/2019 11:51

Florida Department of Law Enforcement
Alcohol Testing Program

Inspection Test Electronic Data

CMI, Inc. Intoxilyzer 8000 Serial Number: 80-005810

Agency LAKELAND PD	Date 04/01/2019	Type Agency Inspection
Inspector RRR,RR,R	Time 03:16:43	Software 8100.27

0.05 Lot #	0.08 Lot #	0.20 Lot #	0.08 Gas Lot #
Expiration	Expiration	Expiration	Expiration

Number of Simulators 1	Compliance Yes
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Check or Test	Result	Test	Result
Diagnostic Check (Pre-Inspection): OK	Yes		
Date and/or Time Adjusted	No		
Minimum Sample Volume Check: OK			
Barometric Pressure Sensor Check: OK			
Alcohol Free Subject Test: 0.000	No		
Mouth Alcohol Test: Slope Not Met	No		
Interferent Detect Test: Interferent Detect	No		
Diagnostic Check (Post-Inspection): OK	No		
Alcohol Free Test: OK	No		
0.05 g/210L Test: OK	No		
0.08 g/210L Test: OK	No		
0.20 g/210L Test: OK	No		
0.08 g/210L Dry Gas Std Test: OK	No		

Remarks:

A F / M A: Subject Test Refused.

Data Download Date/Time 04/24/2019 09:51

Florida Department of Law Enforcement
Alcohol Testing Program

AGENCY INSPECTION REPORT - INTOXILYZER 8000

Agency: LAKELAND PD

Serial Number: 80-005810

Time of Inspection: 03:16

Date of Inspection: 04/01/2019

Software: 8100.27

Check or Test	YES	NO
Date and/or Time Adjusted		No
Diagnostic Check (Pre-Inspection): OK	Yes	
Alcohol Free Subject Test: 0.000		No
Mouth Alcohol Test: Slope Not Met		No
Interferent Detect Test: Interferent Detect		No
Diagnostic Check (Post-Inspection): OK		No

Alcohol Free Test (g/210L)	0.05g/210L Test (g/210L) Lot#: Exp:	0.08g/210L Test (g/210L) Lot#: Exp:	0.20g/210L Test (g/210L) Lot#: Exp:	0.08 g/210L Dry Gas Std Test (g/210L) Lot #: Exp:

Number of Simulators Used: 1

Remarks:

A F / M A: Subject Test Refused.

The above instrument complies (☒) does not comply (☐) with Chapter 11D-8, FAC.

I certify that I hold a valid Florida Department of Law Enforcement Agency Inspector Permit and that I performed this inspection in accordance with the provisions of Chapter 11D-8, FAC.

RR R RRR

Signature and Printed Name

04/01/2019

Date

Florida Department of Law Enforcement
Alcohol Testing Program

Inspection Test Electronic Data

CMI, Inc. Intoxilyzer 8000 Serial Number: 80-005810

Agency LAKELAND PD
Inspector FRANZ, GORDON, L

Date 04/24/2019
Time 12:15:07

Type Agency Inspection
Software 8100.27

0.05 Lot # 201802B **0.08 Lot #** 201709A
Expiration 02/06/2020 **Expiration** 09/12/2019

0.20 Lot # 201802G
Expiration 02/22/2020

0.08 Gas Lot # 17817080A3
Expiration 08/05/2019

Number of Simulators 5

Compliance Yes

Check or Test	Result	Test	Result
Diagnostic Check (Pre-Inspection): OK	Yes	Alcohol Free Test # 1	0.000
Date and/or Time Adjusted	No	0.05 g/210L Test # 1	0.048
Minimum Sample Volume Check: OK		0.08 g/210L Test # 1	0.079
Barometric Pressure Sensor Check: OK		0.20 g/210L Test # 1	0.199
Alcohol Free Subject Test: 0.000	Yes	0.08 g/210L Dry Gas Std Test # 1	0.079
Mouth Alcohol Test: Slope Not Met	Yes	Interferent Detect Test # 1	INT
Interferent Detect Test: Interferent Detect	Yes	Alcohol Free Test # 2	0.000
Diagnostic Check (Post-Inspection): OK	Yes	0.05 g/210L Test # 2	0.048
Alcohol Free Test: OK	Yes	0.08 g/210L Test # 2	0.079
0.05 g/210L Test: OK	Yes	0.20 g/210L Test # 2	0.200
0.08 g/210L Test: OK	Yes	0.08 g/210L Dry Gas Std Test # 2	0.079
0.20 g/210L Test: OK	Yes	Interferent Detect Test # 2	INT
0.08 g/210L Dry Gas Std Test: OK	Yes	Alcohol Free Test # 3	0.000
		0.05 g/210L Test # 3	0.049
		0.08 g/210L Test # 3	0.080
		0.20 g/210L Test # 3	0.201
		0.08 g/210L Dry Gas Std Test # 3	0.079
		Interferent Detect Test # 3	INT

Remarks:

Data Download Date/Time 04/24/2019 12:26

Graham, Thomas

From: Franz, Gordon <Gordon.Franz@lakelandgov.net>
Sent: Thursday, May 09, 2019 3:53 PM
To: Graham, Thomas
Cc: Mumbauer, Chad
Subject: Agency Inspection Report

May 9, 2019

TJ Graham, D-ABFT-FA
Quality Assurance Manager
Alcohol Testing Program
Florida Department of Law Enforcement

Subj: **Agency Inspection Data Review**

I am in receipt of your Data Review and have investigated with the following results:

LPD Communications Operator 558 research our CAD system and provided the following information:

On April 1, 2019 at approximately 2:08 AM, LPD 222, Officer Cody Bardwell was dispatched to a crash investigation on Lake Hollingsworth and arrived on scene at 2:12 AM. (Case # 2019-6202)

It was determined that the driver of the vehicle was possibly impaired and LPD 288, Officer Camilo Almeida was dispatched at approximately 2:24 AM to further investigate.

LPD 288, Officer Camilo Almeida, responded to the scene and subsequently took over the DUI investigation. The driver was subsequently taken into custody, transported to the Lakeland Police Department and given the opportunity to provide samples of his breath by Officer Camilo Almeida, a breath test operator. The driver refused the test, which may explain for the "R"s on the bottom of this report.

I spoke with both Officers and Officer Almeida Indicated that he did not have any recollection of being in the wrong menu. As we know, the Agency Inspector's menu is password protected and only three Officer's in our agency know the password, none of which were on duty at 3:16 AM on April 1, 2019.

I completed the monthly inspection on Intoxilyzer 80-005810 on this date and did not note any discrepancies.

Respectfully,

Gordon L. Franz, MS

Red Light Camera Program | Agency Inspector
Lakeland Police Department | Special Ops Section | City of Lakeland
219 North Massachusetts Avenue
Lakeland, Florida 33801
Office 863-834-2560 Cell 813-416-5497
Gordon.Franz@lakelandgov.net

Florida Department of Law Enforcement
Alcohol Testing Program

Login Electronic Data

CMI, Inc. Intoxilyzer 8000 Serial Number: 80-005810

Agency	Date	Time	Name	Data Download Date/Time
LAKELAND PD	03/25/2019	11:05:42	FRANZ, GORDON, L	03/25/2019 11:51
LAKELAND PD	03/25/2019	10:59:39	FRANZ, GORDON, L	03/25/2019 11:51
LAKELAND PD	03/25/2019	10:58:45	FRANZ, GORDON, L	03/25/2019 11:51
LAKELAND PD	03/25/2019	10:23:06	FRANZ, GORDON, L	03/25/2019 11:51
LAKELAND PD	03/25/2019	10:19:17	FRANZ, GORDON, L	03/25/2019 11:51
LAKELAND PD	03/25/2019	10:15:51	FRANZ, GORDON, L	03/25/2019 11:51
LAKELAND PD	03/25/2019	10:13:40	FRANZ, GORDON, L	03/25/2019 11:51
LAKELAND PD	03/25/2019	10:11:48	FRANZ, GORDON, L	03/25/2019 11:51
LAKELAND PD	04/24/2019	11:03:11	FRANZ, GORDON, L	04/24/2019 12:26
LAKELAND PD	04/24/2019	10:59:32	FRANZ, GORDON, L	04/24/2019 12:26
LAKELAND PD	04/24/2019	10:35:35	FRANZ, GORDON, L	04/24/2019 10:43
LAKELAND PD	04/24/2019	09:33:13	FRANZ, GORDON, L	04/24/2019 10:43
LAKELAND PD	04/24/2019	09:04:55	FRANZ, GORDON, L	04/24/2019 10:43

Logins from 3/25/19 - 4/24/19. 5/13/19
JD

No Login on 4/1/19.

2 Subject tests performed between 3/25/19 and 4/24/19.

Florida Department of Law Enforcement
Alcohol Testing Program

Subject Test Electronic Data

CMI, Inc. Intoxilyzer 8000 Serial Number: 80-005810

INSTRUMENT REGISTERED TO: LAKELAND PD
SOFTWARE VERSION: 8100.27
BREATH TEST OPERATOR: ALMEIDA,CAMILO,J
BREATH TEST OPERATOR AGENCY: Lakeland PD
ARRESTING OFFICER: ALMEIDA,CAMILO
ARRESTING OFFICER AGENCY: Lakeland PD
LAST AGENCY INSPECTION: 04/01/2019

Date or Time Changed: No
DRY GAS STANDARD LOT #: 17817080A3
DRY GAS EXPIRY DATE: 08/05/2019
VIOLATION CODE: DUI
ARREST TIME: 02:59
GENDER: Male
OBSERVATION PERIOD BEGAN: 03:10

SUBJECT'S LAST NAME: GUTHRIE

DATE/TIME OF TEST: 04/01/2019 03:33:31

Diagnostics Check	OK	03:30	
Air Blank	0.000	03:31	
Control Test	0.080	03:31	
Air Blank	0.000	03:31	
Subject Sample	# 1	03:32	Subject Test Refused
Breath Volume	0.000	03:32	
Air Blank	0.000	03:32	
Control Test	0.079	03:32	
Air Blank	0.000	03:33	
Diagnostics Check	OK	03:33	

Data Download Date/Time: 04/24/2019 09:51

Florida Department of Law Enforcement
Alcohol Testing Program

Subject Test Electronic Data

CMI, Inc. Intoxilyzer 8000 Serial Number: 80-005810

INSTRUMENT REGISTERED TO: LAKELAND PD
SOFTWARE VERSION: 8100.27
BREATH TEST OPERATOR: MULDERRIG,SEAN,F
BREATH TEST OPERATOR AGENCY: Lakeland PD
ARRESTING OFFICER: MULDERRIG,SEAN
ARRESTING OFFICER AGENCY: Lakeland PD
LAST AGENCY INSPECTION: 04/01/2019

Date or Time Changed: No
DRY GAS STANDARD LOT #: 17817080A3
DRY GAS EXPIRY DATE: 08/05/2019
VIOLATION CODE: DUI
ARREST TIME: 10:41
GENDER: Female
OBSERVATION PERIOD BEGAN: 11:33

SUBJECT'S LAST NAME: WARLEN

DATE/TIME OF TEST: 04/04/2019 12:05:10

Diagnostics Check	OK	11:58
Air Blank	0.000	11:59
Control Test	0.079	11:59
Air Blank	0.000	12:00
Subject Sample # 1	0.000	12:00
Breath Volume	3.644	12:00
Air Blank	0.000	12:01
Air Blank	0.000	12:03
Subject Sample # 2	0.000	12:03
Breath Volume	3.390	12:03
Air Blank	0.000	12:04
Control Test	0.080	12:04
Air Blank	0.000	12:05
Diagnostics Check	OK	12:05

Data Download Date/Time: 04/24/2019 10:43