

Washington State Patrol

TOXICOLOGY LABORATORY DIVISION

Calibration: Operations Manual

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INTRODUCTION

This manual covers the operational responsibilities of the Washington State Patrol (WSP) Toxicology Laboratory Division (TLD) as they relate to the Division's breath alcohol calibration functions. This includes the preparation and certification of simulator solutions, and the subsequent calibration and verification of evidentiary breath test instruments.

The purpose of this manual is to provide the responsible personnel with written policies and procedures that will:

- Promote an efficient and effective operation,
- Assist personnel in performing assigned duties and tasks, and
- Ensure that the work product and services of the program is fit-for-purpose and of the highest quality possible.

This manual applies to all breath test calibration functions within the TLD and the policies and procedures are binding on all personnel of the TLD and shall be followed. Any adjustments or deviations from the policies and procedures detailed in this manual must be approved by the TLD Commander, the Impaired Driving Section (IDS) Commander or the Quality Assurance (QA) Manager, and appropriately documented.

The official version of this manual is the electronic version as it appears on the Forensic Laboratory Services Bureau (FLSB) SharePoint site (FLSB Portal). This manual covers all work done by responsible personnel, to include but not be limited to work done within the individual calibration laboratories within the TLD, in addition to duties outside the laboratory, whether in court, training venues, or anywhere else the duties of responsible personnel might be employed.

1 SCOPE

The Toxicology Laboratory (Toxicology Lab) and the Breath Test Program (BTP) are both responsible for the breath alcohol calibration functions of the TLD. The Toxicology Lab prepares and certifies two types of simulator solutions: the Quality Assurance Procedure (QAP) solutions and the External Standard solution. These solutions are then used by the BTP, where the QAP solutions are used to set and confirm the calibration of the evidentiary breath test instruments, and the External Standard solution is used to verify the accuracy and proper working order of the instrument as part of a field evidential breath test.

1.1 MISSION STATEMENT

The TLD will provide forensic breath alcohol calibration services and training for Washington's criminal justice agencies. The TLD is committed to providing the highest quality forensic services which ultimately enhances public safety for the citizens of Washington.

1.2 GOALS AND OBJECTIVES

The goals and objectives of the TLD will be reviewed continually and are based upon the needs of the Criminal Justice System and the needs of the agencies served by the program.

1.3 LEGAL DIRECTION

The TLD is a publicly funded, legal entity that is responsible for its legislatively mandated actions. The TLD provides scientific and technical assistance for all coroners, medical examiners, prosecuting attorneys and statewide criminal justice agencies as mandated by Revised Code of Washington (RCW) 46.61.506 and 68.50.107; and the Washington Administrative Code (WAC) 448-15 and 448-16.

1.4 DEFINITIONS

1.4.1 Policy

The guiding principles by which the TLD operates. Policies influence, direct and determine the decisions and actions of TLD employees.

1.4.2 Procedure

A defined and established method for implementing a policy.

1.4.3 Forensic Laboratory Services Bureau (FLSB)

A bureau within the WSP that contains the Toxicology Laboratory Division (TLD), the Crime Laboratory Division (CLD), and the Standards and Accountability Section (SAS).

1.4.4 Toxicology Laboratory Division (TLD)

A division within the FLSB that contains both the Toxicology Laboratory and the Impaired Driving Section (IDS). For the purposes of this manual, the TLD shall refer to those functions that pertain to its breath alcohol calibration functions, unless otherwise noted.

1.4.5 Toxicology Laboratory (Toxicology lab)

A section within the TLD that performs toxicology services for all coroners, medical examiners, and prosecuting attorneys (RCW 68.50.107). For the purposes of this manual, Toxicology Lab shall refer to those functions that pertain to its breath alcohol calibration functions, namely the preparation and certification of simulator solutions, unless otherwise noted.

1.4.6 Impaired Driving Section (IDS)

A section within the TLD that contains the Breath Test Program (BTP) and the Drug Evaluation and Classification Program. For the purposes of this manual, IDS shall refer to those functions that pertain to its breath alcohol calibration functions, namely the calibration and verification of evidentiary breath test instruments, unless otherwise noted. Within the IDS, the breath alcohol calibration functions are performed by the BTP.

1.4.7 Breath Test Program (BTP)

A program within the IDS that calibrates and verifies the accuracy and proper working order of the evidentiary breath test instruments throughout Washington State.

1.4.8 Chain of Command

By statutory authority the State Toxicologist (also known as the TLD Commander) has final operational and technical authority over the TLD (RCW 46.61.506). Within the IDS, the IDS Commander has authority over the BTP. The BTP supervisor will have authority over the breath test technicians. Within the Toxicology Lab, the Toxicology Lab Manager will have authority over the Toxicology Lab Supervisors, who in turn have authority over the Forensic Scientists.

1.4.9 Forensic Investigations Council

An oversight group, appointed by the Governor, whose purpose it is to oversee the FLSB and, in consultation with the Chief of the Washington State Patrol or the chief's designee, control the operation and establish policies of the FLSB. The Council shall be actively involved in the preparation of the FLSB budget and shall approve the FLSB budget prior to its formal submission to the Office of Financial Management pursuant to RCW 43.88.030.

1.5 SERVICES AND FUNCTIONS

The TLD will provide breath alcohol calibration services for all statewide criminal justice services. This will include the calibration, verification, maintenance and operation of the breath test instruments used throughout Washington State. In addition, services will be provided regarding training, expert court testimony, legal discovery, supplies and equipment, and data analysis.

The primary operational functions within the programs include:

1.5.1 Simulator Solution Preparation and certification

Certified Forensic Scientists within the Toxicology Lab will prepare, certify, document, package and distribute simulator solutions to be used by the BTP Technicians in the calibration and verification of evidentiary breath test instruments throughout the state. In addition, Toxicology Lab personnel will maintain records of these activities and analytical test results.

1.5.2 Breath Test Instrument Calibration and Verification

Certified Breath Test Technicians will support the breath test instruments within their geographical region of responsibility and perform the required calibration and verification procedures (Quality Assurance Procedure; QAP) on each instrument. The Breath Test Technicians ensure the accuracy, precision and proper working of the instruments in addition to maintaining documentation of these procedures.

1.5.3 Breath Test Instrument Maintenance

Certified Breath Test Technicians will ensure the repair and maintenance of the breath test instruments and associated equipment as necessary. Documentation of these events will be maintained.

1.5.4 Expert Court Testimony

Certified Breath Test Technicians within the BTP and Forensic Scientists within the Toxicology Lab will provide expert testimony regarding their responsibilities, results and/or records for courts and other legal proceedings throughout the state.

1.5.5 Records Custodian, Discovery and Public Records Requests

Qualified TLD personnel will be considered custodians of the records for breath alcohol calibration related documents. Trained TLD personnel will respond to, and provide documents for, requests pertaining to official breath alcohol calibration documents (e.g. subpoena duces tecum, public records requests).

1.6 ORGANIZATION AND MANAGEMENT STRUCTURE

The TLD is part of the Forensic Laboratory Services Bureau (FLSB) (*see Appendix A*). The Toxicology Lab is located with the FLSB headquarters and the Seattle Crime Laboratory in Seattle. The BTP has laboratory facilities located at eleven sites throughout the state where breath test

technicians conduct their areas of responsibility (see *Appendix B*). The satellite laboratories are located in Bellingham, Kennewick, Marysville, Olympia, Poulsbo, Seattle, Spokane, Tacoma, Vancouver, Wenatchee and Yakima. The BTP Headquarters is located with the BTP satellite laboratory in Seattle.

The State Toxicologist/TLD Commander has ultimate authority by statute over the Toxicology Lab and IDS/BTP. The IDS Commander has direct authority and control over the BTP. The TLD Commander and IDS Commander are both responsible to ensure that all policies, rules, procedures, directives, goals and guidelines are written in a clear manner, are consistent with department policy, State and Federal Law, and are made available to the all TLD personnel.

Examples of documents containing policies, rules, procedures and guidelines include:

- WSP Regulation Manual
- Collective Bargaining Agreements
- TLD Calibration Quality Manual
- TLD Calibration Operations Manual
- TLD Calibration Technical Manual
- TLD Calibration Training Manual
- TLD Safety Manual

TLD management have the responsibility to ensure that policies, rules, procedures, directives, goals and guidelines are understood and practiced by all employees.

The overall reporting authority is as follows:

- The State Toxicologist/TLD Commander reports to the FLSB Bureau Director
- The IDS Commander, Toxicology Lab Manager and Quality Assurance (QA) Manager report to the TLD Commander
- The Toxicology Lab supervisors report to the Toxicology Lab Manager
- The BTP supervisor reports to the IDS Commander
- The forensic scientists within the Toxicology Lab are accountable to one Toxicology Lab Supervisor
- The breath test technicians within the BTP are accountable to one BTP supervisor

When a supervisor or manager is unavailable, a person will be designated as the acting supervisor or manager. If no one is available to take this responsibility, the next level up in the chain of command will be responsible

Note: The IDS Commander and the Toxicology Lab Manager may be collectively referred to as "Laboratory Manager(s)" throughout this manual. Similarly, the BTP Supervisor and the Toxicology Lab Supervisors may be collectively referred to as "Supervisor(s)". "TLD Management" includes all personnel in the chain of command at the level of Supervisor and above.

1.7 PERSONNEL RESPONSIBILITIES

Minimum educational and/or other requirements for Technical positions within the TLD are found in Appendix C.

1.7.1 State Toxicologist / TLD Commander

This position is responsible for managing and approving all operational, technical, policy and fiscal aspects of the TLD, and reports to the FLSB Director.

The TLD Commander:

- Has overall Appointing Authority within the TLD
- Directly supervises the IDS Commander, Toxicology Lab Manager and QA Manager
- Prepares the Legislative budget
- Promulgates revisions to the Washington Administrative Code (WAC)
- Ensures the Division's operational objectives are achieved
- Approves analytical methods and instrumentation
- Ensures resources are utilized to their maximum effectiveness
- Ensures that all programs are providing the most effective and timely services
- Ensure that all employees support the Division's QA Program
- Provides expert court testimony where required

1.7.2 Impaired Driving Section (IDS) Commander

The IDS Commander has the primary responsibility for the daily operation of the IDS and BTP, and is responsible for supervising and monitoring the compliance with policies and procedures for all personnel within the IDS/BTP. This position reports to the TLD Commander.

The IDS Commander:

- Will be a commissioned officer having the RCW rank of Lieutenant
- Is the Appointing Authority for the IDS and BTP
- Directly supervises the BTP supervisor
- Prepares and is responsible for the BTP budget
- Assists the State Toxicologist in developing and implementing program policy and practice
- Gives direction to the Division's QA Program
- Ensures the effective application of the division's QA Program
- Assists the QA Manager with the annual review of the quality management system
- Authorizes, monitors and tracks training and professional development requests
- Oversees Grant Management
- Monitors compliance with accreditation and audit criteria
- Provides expert court testimony where required

1.7.3 Toxicology Laboratory Manager

The Toxicology Lab Manager has primary responsibility for the daily operations of the Toxicology Lab, and for supervising and monitoring the compliance with policies and procedures for all personnel within the Toxicology Lab. This position reports to the TLD Commander.

The Toxicology Lab Manager:

- Directly supervises the Toxicology Lab supervisors and the Office Manager
- Assists with the preparation of the Toxicology Lab budget
- Assists the State Toxicologist in developing and implementing program policy and practice
- Exercises control over discretionary funds for laboratory supplies, overtime, and training
- Gives direction to the program's QA Program
- Ensures the effective application of the division's QA Program
- Assists the QA Manager with the annual review of the quality management system
- Authorizes, monitors and tracks training and professional development requests
- Monitors compliance with accreditation and audit criteria
- Provides expert court testimony where required

1.7.4 Quality Assurance (QA) manager

The QA Manager implements and maintains the QA Program, and monitors the quality of the work product and the personnel of the TLD. This position reports to the TLD Commander.

The QA Manager:

- Works to maintain and improve the quality program of the TLD
- Coordinates the proficiency testing program
- Directs the technical peer review program
- Assists with the training (and retraining) program for the division
- Assists with the recruiting and hiring process for the program
- Directs annual technical and quality audits of each laboratory
- Maintains and revises technical and training manuals for the TLD
- Organizes and schedules QA meetings for each section
- Makes recommendations to the TLD Commander and IDS Commander regarding issues of nonconformity
- Provides expert court testimony where required

1.7.5 Breath Test Program (BTP) Supervisor

The BTP Supervisor has primary responsibility for the supervision of breath test technicians, and reports to the IDS Commander. Minimum qualifications for this position are outlined in Appendix C.

The BTP Supervisor:

- Will be a commissioned officer having the RCW rank of Sergeant
- Directly supervises the breath test technicians
- Ensures the breath test technicians are complying with program policies and procedures
- Ensures the personnel under their supervision receive appropriate training
- Organizes and conducts periodic meetings of subordinates
- Observes subordinates periodically as they testify in court
- Observes subordinates periodically as they teach classes
- Attends functional area meetings and visits all laboratories
- Assists the QA Manager with the annual review of the quality management system
- Provides expert court testimony where required

1.7.6 Toxicology Laboratory Supervisor

The Toxicology Lab Supervisors have primary responsibility for the supervision of forensic scientists. This position reports to the Toxicology Lab Manager. Minimum qualifications for this position are outlined in Appendix C.

The Toxicology Lab Supervisor (Forensic Scientist 5; FS5):

- Is responsible for the general supervision of forensic scientists assigned to them
- Ensures their subordinates comply with program policy and procedures regarding the preparation and testing of simulator solutions
- Participates in the preparation and certification of simulator solutions
- Reviews technical and administrative documentation prepared by forensic scientists regarding the preparation and testing of simulator solutions
- Ensures the personnel under their supervision receive appropriate training
- Organizes and conducts periodic meetings of subordinates
- Observes subordinates periodically as they testify in court
- Observes subordinates periodically as they teach classes
- Provides expert court testimony where required

1.7.7 Breath Test Technician

This position is assigned to one of the field locations where there is geographical responsibility for the BTP, and reports to the BTP Supervisor. Minimum qualifications for this position are outlined in Appendix C.

The Breath Test Technician:

- Is a commissioned trooper or a forensic scientist (not assigned to the Toxicology Lab)
- Are qualified Operators, Instructors and Solution Changers
- Performs calibration and certification procedures on evidential breath test instruments
- Performs repairs and maintenance on evidential breath test instruments

- Trains local police officers to be qualified Operators of the evidential breath test
- Generates and maintains records and other documentation regarding the evidential breath test instruments and training responsibilities
- Generates reports and summary statistics of program activities and DUI enforcement
- Provides expert court testimony where required

1.7.8 Forensic Scientist

For the purposes of this manual, this position pertains to personnel trained by, and assigned to, the Toxicology Lab to perform breath alcohol calibration work. This position reports to a Toxicology Lab Supervisor. Minimum qualifications for this position are outlined in Appendix C.

The Forensic Scientist:

- Is responsible for the preparation and certification of simulator solutions
- Prepares and maintains documentation regarding the preparation and certification of simulator solutions
- Completes an affidavit regarding their preparation and certification of simulator solutions
- Packages and distributes simulator solutions
- Provides expert court testimony where required

1.7.9 Office Manager

The person in this position plans, organizes, assigns, and supervises varied and extensive processing and service units, and related central office activities. Responsibilities may also include maintaining files of instrument and training records, arranges for and assigns personnel to courts requesting testimony, organizes and arranges scheduled training, and may attend and take notes at section meetings.

1.7.10 Administrative Assistant

This person performs a variety of complex clerical duties in support of office or section operations.

1.7.11 Office Assistant

This person performs a variety of routine clerical duties in support of office or section operations.

1.8 RECRUITING AND SELECTING PERSONNEL

All employees shall be hired according to rules which govern their position, and other WSP rules and regulations. Vacant positions may be advertised locally, statewide, nationally, and internationally when appropriate. All current employees of the TLD are encouraged to be active in the recruitment of qualified candidates.

An interview committee formed by the IDS Commander will interview candidates for positions within the BTP. The TLD Commander will convene an interview committee to interview candidates for positions within the Toxicology Lab. A written test may or may not be administered as part of the interview process, which will be at the discretion of the IDS Commander or TLD Commander.

1.9 TRAINING

TLD section supervisors will ensure that employee training meets or maintains competency requirements, and/or provides continuing education opportunities or career development. Training or retraining of forensic scientists and breath test technicians in breath alcohol calibration work must follow the training programs outlined in the TLD Calibration Quality Manual and TLD Calibration Training Manual, including the timely submission of any training evaluations.

1.10 BUDGET

The Toxicology Lab and BTP budgets are part of the overall TLD and FLSB budgets. Overall responsibility of this budget is under the direction of the FLSB Director. The TLD Commander and IDS Commander are expected to manage, direct, and develop their section budgets with oversight from the FLSB Director. The TLD Commander and IDS Commander will keep WSP Executive Staff and program personnel informed of the status of the budget through the WSP Strategic Advancement Forum (SAF) report.

1.11 COMMUNICATIONS

1.11.1 Policy

The TLD Management will establish a proper flow of communication internally throughout the TLD, and externally with its customers. Management will ensure that within each laboratory all employees are well informed, and employees at each level have input into the system. Management will also ensure there is clear and frequent communication between the Toxicology Lab and BTP sections of the program. In addition, management will ensure that communication with relevant customers is effective and responsive to their needs.

TLD employees will follow the chain of command for all internal written communications as required by WSP Regulation 8.00.290. The chain of command, in ascending order, will normally be the employee's Supervisor, the Laboratory Manager, the TLD Commander, the FLSB Director, the Deputy Chief and Chief of the Washington State Patrol.

1.11.2 Procedures

Examples of various forms of communication to be used by the TLD include:

- Agency meetings
- Managers meetings
- Supervisors meeting

- Section meetings
- Functional area meeting
- Conference calls
- Written direction from Bureau or Division Headquarters for review by all members
- Interoffice Communication (IOC) or E-mail

Examples of external communication are as follows:

- Personal contact by telephone, e-mail, letter, or in person
- Attendance at meetings of local law enforcement, attorneys, traffic safety groups, and other customer and/or community groups
- Customer newsletters
- Training provided to law enforcement, attorneys, traffic safety groups, and other customer and/or community groups
- Membership and participation in WSP or State committees
- Customer surveys

Every employee has the responsibility to safeguard all confidential information obtained in his or her official capacity from unauthorized distribution. In addition, employees will not access or disclose any confidential information except where legally authorized.

1.11.3 Customer Surveys

An annual customer survey will be prepared and submitted to user agencies. Efforts will be made to include command staff, line officers, allied law enforcement agencies, attorneys, and any other members of the criminal justice system who have an interest in the TLD's breath alcohol calibration functions.

Following the survey, a review will be conducted by TLD Management and issues will be identified. Laboratory specific issues will be addressed by the individual laboratory managers with responses to the impacted agency and to the TLD Commander. Systemic, division wide issues will be addressed in managers meetings and responses will be prepared by the TLD Commander and submitted to the impacted agency and the Forensic Investigation Council. New surveys will be compared to previous surveys as a measure of how the TLD is progressing.

1.12 COMPLAINTS

1.12.1 Division Policy

A complaint is an allegation of conduct or omission that is contrary to state statute, Washington Administrative Code, Civil Service Rules, WSP Agency rules and regulations, and the TLD policies and procedures. They may include an allegation of conduct or omission that could amount to misconduct, exercise of poor judgment, or failure to meet established standards. A complaint may be made against an individual TLD employee, a laboratory, a procedure or the Division.

Complaints regarding program personnel, policies or procedures may come from internal or external (e.g., officers, prosecutors, defense attorneys, the public) sources. Complaints could be written or communicated orally. Personnel that become aware of a complaint either from an internal or external source have the responsibility to communicate the complaint either to their management staff or up through the chain of command. Management has the responsibility to ensure that complaints are resolved appropriately, using one of the three procedures outlined below.

1.12.2 Procedure

- 1) Non-Quality System complaints follow the WSP Agency Complaint Procedures (see *WSP Regulation Manual*). Investigation and resolution of the complaint may follow several courses of action depending upon the severity of the allegation.
- 2) Complaints regarding any aspect of forensic analysis that do not conform to quality policies and/or procedures shall be directed through the chain of command (see *TLD Calibration Quality Manual Chapter 3*). Procedures outlined in the Quality Manual will be followed in these cases.
- 3) Any complaints regarding other areas of the employee's responsibility shall be directed to that employee's immediate supervisor.

Management may respond directly to the complainant and attempt to resolve the issue by discussing existing policies. As necessary, corrective or preventative actions may be initiated as a response.

Any changes or revisions to controlled documents resulting from complaints will follow the Document Control and Document Revision policy and procedure section of the TLD Calibration Quality Manual (see *Chapter 2*).

1.13 UNDUE INFLUENCE ON ANALYSIS

1.13.1 Division Policy

TLD management will strive to ensure there is no influence on the professional judgments of employees, including any undue internal and external commercial, financial or other pressures and influences that may adversely affect the quality of their work. Personnel shall not engage in activities that may diminish confidence in the laboratory's competence, impartiality, judgment, or operational integrity. All conflict of interest concerns and situations that could cause undue pressure that adversely affect the quality of the work shall be brought to the attention of management.

Managers have the responsibility and authority to receive and take action on employee concerns within their section. Serious instances of undue influence on analytical findings or conflict of interest will be reported to immediate supervisors and escalated through the chain of command.

1.13.2 External Divisions, Agencies and Entities

The TLD interacts on a regular basis with external divisions, agencies and other entities, in relation to its breath alcohol calibration activities. Any requests, suggestions and/or directives given by any of these interest groups must be approved by either the TLD or IDS Commander before being implemented.

The following summarizes the roles of several of these interest groups:

1.13.3 Forensic Investigations Council

The Forensic Investigations Council (FIC) is an oversight group, appointed by the Governor, whose purpose it is to oversee the operations and budget of the FLSB and, in consultation with the Chief of the Washington State Patrol or designee, assists the FLSB and TLD in devising policies to promote the most efficient use of laboratory services (RCW 43.43.670, 43.88.030). The FIC meets on a monthly basis, during which the TLD Commander or designee provides policy, operational and budgetary updates.

1.13.4 Field Operations Bureau

The Field Operations Bureau (FOB) is headed by a WSP Assistant Chief, who reports directly to the Deputy Chief and commands the following organizational units: Eight districts (each commanded by a captain); Commercial Vehicle Division; and Commercial Vehicle Enforcement Section. Back-up Breath Test Technicians are assigned to, and are supervised within, the FOB.

1.13.5 Allied Law Enforcement Agencies

Allied agencies include Sheriff and Police offices throughout the state, which are overseen by the Washington Association of Sheriff and Police Chiefs (WASPC). Certified breath test Operators and Solution Changers assigned to these agencies receive and use External Standard Solutions and calibrated evidentiary breath test instruments from the TLD.

1.13.6 Office of the Attorney General

An assistant attorney general (AG) is assigned to the WSP and assists with tort claims, lawsuits and discovery requests. Changes to the RCW and WAC, pertaining to breath alcohol calibration activities, and reviewed by the AG.

1.13.7 Prosecuting Attorneys

The TLD provide expert testimony services to prosecuting attorneys throughout the state. The Washington Association of Prosecuting Attorneys is one oversight group.

1.13.8 Councils, Commissions and Committees

Examples include the Washington Traffic Safety Commissions (WTSC) and the Washington Impaired Driving Advisory Council (WIDAC). Such groups interact with the TLD to support their own goals and objectives of reducing the incidence of impaired driving accidents and fatalities within the State of Washington.

1.14 PUBLICATIONS AND PRESENTATIONS

All original research or presentations given to peers at conferences, professional meetings or for publication must receive a technical peer review and be approved through the chain of command to the TLD Commander prior to presentation or submission for publication. Refer to the TLD Calibration Quality Manual (*see Chapter 10*) for review and approval procedure.

Presentations to attorneys, law enforcement agencies and other personnel for training purposes must be peer reviewed, and approved through the chain of command.

Informational presentations to the public (schools, Rotary, etc.) do not need peer review, but do require supervisor notification and approval.

PowerPoint presentations which have been approved in the past will be posted on the FLSB Portal for use by TLD personnel in preparing other similar presentations.

2 LABORATORY SPACE AND SECURITY

The security of equipment, supplies, records and personnel are of high priority to the WSP. Effort will be made to ensure the security of all offices and facilities used by employees within the TLD. Security of facilities helps to enhance the credibility and confidence that can be placed in services provided by the TLD.

The Toxicology Lab and BTP facilities shall maintain secure facilities into which only authorized personnel are allowed access. The manner in which security is maintained, either by lock and key or security codes, shall be determined and ensured by section supervisors.

2.1 SPACE

In order for the personnel within the TLD to efficiently carry out their goals and objectives, adequate and proper space should be allocated for each laboratory activity and function.

Each employee should have enough working space to efficiently accomplish assigned tasks without the risk of mishandling or contaminating materials and/or equipment. All employee and general laboratory working areas should have sufficient storage space for proper storage and handling of individual and general laboratory supplies, equipment and tools. In addition to the space needed for technical work, there should be sufficient space for writing reports, reviewing documentation, working at the computer, filing cabinet storage, water supply, etc.

The laboratory will have space designated for the safekeeping of official records and reports as well as space for reference material, books, and other documents necessary for carrying out the functions of the laboratory. In addition, proper and sufficient space will be provided for long-term storage of any volatile and hazardous materials.

Each location, whether the Toxicology Lab or one of the satellite BTP Labs, will take measures to ensure good housekeeping in the laboratory.

2.2 SECURITY

Security at the Toxicology Lab and BTP facilities shall be ensured through a lock and key, proximity card or combination lock system that ensures only authorized personnel have access.

2.3 PROCEDURE

Each laboratory facility shall define their areas of accessibility and have guidelines that govern accessibility to those areas. Laboratories differ in design, consequently some areas may, out of necessity, be used for several purposes. The laboratory's security measures must account for multiuse areas and develop procedures to ensure proper security. In general, guidelines should consider the following types of areas:

2.3.1 Public Area

An area such as a lobby, common hallway, conference room, or restroom which may be accessed by members of the public during business hours without escort.

2.3.2 Work Area

An area designated for responsible employees to perform their assigned duties.

2.3.3 Securing the Laboratory

For the Toxicology Lab, exterior laboratory doors will be kept secure at all times. For satellite BTP Labs, exterior doors to the lab will be kept secure when the lab is not occupied by authorized personnel.

2.3.4 Keys, Proximity Cards, and Combinations

Where applicable, supervisors will issue laboratory door and alarm keys or proximity cards, and combinations or codes to employees. Key and proximity card logs will be maintained in accordance with departmental regulations by appropriate personnel, and combinations will be changed as needed to ensure that only authorized individuals have laboratory access. Keys and proximity cards may not be duplicated or loaned, and combinations or codes may not be divulged to unauthorized personnel.

The supervisor or designee shall maintain an inventory of keys, proximity cards and combinations for the laboratory facilities. Audits of these inventories will be conducted each calendar year by each person responsible for maintaining each inventory and a copy of each verified inventory shall be provided to the QA Manager.

Entrance/exit points and internal areas requiring additional limited/controlled access will have a separate lock system. Access to these areas will be restricted to certain employees, on a routine or limited basis, and such access will be determined and documented by the Laboratory Manager or designee.

2.3.5 Fire Alarms

Each laboratory will have smoke and fire detection systems.

2.3.6 Visitors

All visitors (non departmental) to the laboratory will sign in and be escorted by authorized personnel while within secured work areas.

Approved, non-departmental janitorial personnel will not be required to sign in and will not require an escort. They will work only during normal business hours, and only in areas occupied by laboratory personnel.

2.3.7 Interviewing Employees

Interviews of employees by media, attorneys, or others as deemed appropriate, are allowed only insofar as the employee agrees to be interviewed and the interview process does not have a deleterious effect on the laboratory's efficiency and resources. Interviews will conform to the following standards:

- Interviews of employees will be prescheduled and conducted with minimum impact to employees' work assignments
- All interviews will be conducted in a courteous and professional manner
- A maximum of two hours will be allowed for any interview. If additional time is needed, a second interview may be scheduled or additional time may be arranged
- Employees have the authority to stop or pause an interview for a rest break, or if they become uncomfortable for any other reason
- Employees may consult with their supervisor or Laboratory Manager at any time, and may opt to terminate an interview if appropriate
- The employee may request legal representation to be present.

2.4 SECURITY OF VOLATILE CHEMICALS

Part of the responsibilities of employees within the TLD involve the use of volatile chemicals, including ethanol and acetone. Volatile chemicals will be stored in locked facilities or cabinets within the secure offices or laboratories of the TLD

Program supervisors shall ensure that the security of volatiles and their documentation are maintained by all subordinates.

3 ACQUIRING EQUIPMENT AND SUPPLIES

3.1 POLICY

The TLD acquires equipment and supplies allowing them to perform their responsibilities. The Toxicology Lab and BTP are responsible for the acquisition, custody and disposal of all equipment and supplies within their control, and should only acquire those necessary to fulfill their mission. State equipment and property will not be used for personal purposes. The procedures outlined below are designed to guide employees through the acquisition activities to conform to all applicable laws, policies and administrative rules.

3.2 PROCEDURES

For the purposes of this section, equipment means all physical items used by employees to conduct the official business of the TLD including, but not limited to, communications equipment, computers, scientific instrumentation, office machines, vehicles, tools, and other issued equipment or materials.

Equipment will be selected on the basis of its appropriateness for specific functions, initial cost, ongoing support costs, and the availability of funds for equipment purchases and maintenance.

All equipment will be kept secure from damage, misuse, misappropriation, and theft. All equipment must be maintained in proper working condition. Equipment needing repair outside the scope of the technical manual and/or maintenance plans, or systemic problems, must be brought to the attention of the supervisor who will inform the Laboratory Manager of the need to obtain and authorize repairs.

3.3 RECEIPTS FOR ACQUIRED EQUIPMENT AND SUPPLIES

Acquired equipment and supplies receipts should contain the following information:

- Date of transfer
- Name of person releasing equipment/supplies
- Name of employee acquiring equipment/supplies
- Description of the item(s) including identifiers (serial number, etc.) if applicable
- Signature of person acquiring equipment/supplies

Copies of this receipt will be made available to all parties in the acquisition. Receipts will be retained at least until the item is disposed of or consumed.

3.4 TRANSFER AND DISPOSAL OF EQUIPMENT AND SUPPLIES

Transfer and/or disposal of items obtained under these guidelines must comply with all applicable laws and administrative rules (*see the WSP Regulation Manual*). Supervisors or designee will ensure that the current agency policy on disposal of equipment is followed.

Equipment, including computer equipment and peripherals, that has been replaced will be either disposed of or sent to the appropriate location as soon as practicable. Such

equipment should not be retained or stored at the laboratory. Exceptions to this policy must be approved by the Laboratory Manager. Requests for exception will clearly address the following:

- The reasons for retaining the equipment
- The intended future use of the equipment
- The cost of putting the equipment back into operation in the future
- The current value of the equipment
- The location where the equipment will be stored and the cost of storage if applicable
- A cost/benefit analysis of retaining the equipment

4 DOCUMENT MANAGEMENT

The following procedures describe the filing, retention and destruction of pertinent documents within the TLD. These procedures will direct the activities of personnel within the TLD who maintain documentation relative to the Division's breath alcohol calibration functions. The intent is to provide uniformity throughout the program and ensure proper documentation. Records may be kept in electronic format capable of producing a paper copy where appropriate.

All administrative and technical documentation either received or generated by the laboratories constitute either the calibration file or calibration record, and will be maintained. The TLD will maintain all original documentation in files or records bearing unique identifiers (e.g. calibration or instrument numbers). Upon completion, all calibration files and records will be stored and retained in designated areas in such a way that they are readily retrievable in facilities that provide a suitable environment to prevent damage, deterioration or loss.

Additional details on document management can be found within the TLD Calibration Technical Manual.

4.1 CALIBRATION FILES

Breath alcohol calibration files to be maintained include:

- Batch File – The Toxicology Lab will prepare and maintain this file following the preparation and certification of simulator solutions. The Batch File will include the following documents:
 - Original QAP or External Standard Test Report
 - Original Solution Certificate Review form
 - Analyst affidavits
 - All original sequence tables and chromatograms
 - Original Solution Preparation Worksheet
 - Original Simulator Solution Data Entry Review form
 -
- Quality Assurance Procedure (QAP) file – The BTP will prepare and maintain this file following the completion of an initial QAP. Once an instrument is transferred to a permanent training status, the QAP File will not be further maintained. The QAP File will include the following documents:
 - Copy of the Datamaster Calibration Certificate (original is sent to the BTP Headquarters)
 - Copy of the QAP Review Form (original is sent to the BTP Headquarters)
 - Copy of the QAP Worksheet (original is sent to the BTP Headquarters)

4.2 CALIBRATION RECORDS

Breath alcohol calibration records to be maintained include:

- Batch Record – The Toxicology Lab will prepare and maintain all original documentation related to the preparation and/or certification of simulator solutions. Each component of

the Batch Record may be maintained in a separate but designated place. The Batch Record includes, but is not limited to, the following documents:

- Alcohol Standard Preparation Log
 - Alcohol Calibrator Verification Worksheet
 - Alcohol Internal Standard Verification Worksheet
 - Alcohol Control Log
 - Alcohol Control Verification Worksheet
 - Simulator Solution Preparation Log
 - Solution Request & Packing Slip
 - Instrument maintenance records
- **Instrument Record** - The BTP will prepare and maintain all original documentation related to a specific instrument. Each component of the Instrument Record may be maintained in a separate but designated place. The Instrument Record includes, but is not limited to, the following documents:
 - QAP Printouts
 - Instrument Status Report
 - Simulator Solution Change records
 - Simulator Thermometer Certification records
 - Records of repairs and/or adjustments by Technicians
 - Repair documentation provided by the manufacturer
 - Breath Test Technician Affidavits (in accordance with CrRLJ 6.13)
 - Copy of all relevant Simulator Solution Test Reports

4.3 RETENTION TIME OF DOCUMENTATION

All documentation addressed in this policy is to be retained in accordance with the WSP Records Retention Schedule which is to be found on the FLSB Portal.

4.4 STORAGE OF DOCUMENTATION

All documentation covered by this chapter will be stored in a manner that is readily retrievable and protected from damage, deterioration or loss. Back-ups of documentation stored electronically will be accomplished and stored in such a manner to allow efficient access and security from unauthorized access to or amendment of these records.

All calibration documentation will be maintained under the control of the TLD until they are archived. Each laboratory will maintain at least the most recent five years of calibration documentation. Calibration documentation older than five years may be sent to the State Records Center for secure storage.

4.5 CUSTODIAN OF RECORDS

For the BTP Headquarters, the BTP Supervisors will be the official custodian of the records. Individual breath test technicians will be considered custodian of the records for any

calibration documentation and/or regular business records maintained at the satellite laboratories.

For the Toxicology Lab, the Toxicology Laboratory Manager will be the official custodian of the records.

4.6 WEB BASED ACCESS TO DOCUMENTATION

The TLD maintains a WebDMS web based system (<http://breathtest.wsp.wa.gov/>) where calibration records generated and maintained within the program are available. Records are provided to ITD Web Support for installation on the web site.

4.7 EXPUNGEMENT AND DESTRUCTION OF DOCUMENTATION

On receipt of a court order for expungement, the TLD Commander and/or IDS Commander should be contacted. Division personnel will make any appropriate contacts with the WSP Risk Management Division and/or the Attorney General's Office who will provide guidance to the laboratory for compliance with the order.

Documentation will be destroyed in accordance with the WSP Records Retention Schedule.

5 DISCLOSURE AND RELEASE OF INFORMATION

5.1 POLICY

The TLD is required by law to disclose documentation and information when it is requested by the media, attorneys, insurance companies, the public, or other parties designated by the Public Records Act.

5.2 RELEASE OF RESULTS

The release of results, either through Test Reports or Calibration Certificates, will only be authorized after completion of any mandatory reviews of technical and administrative content. Copies of Test Reports will accompany the delivery of simulator solutions as detailed in Chapters 2 and 3 of the Calibration Technical Manual. Original Test Reports will be maintained in their respective batch files in the Toxicology Laboratory and will be duplicated in electronic format on the web-based legal discovery website WebDMS. Instrument Calibration Certificates will be issued by personnel who have been authorized by the TLD Commander to review and issue certificates. Copies of Calibration Certificates will be maintained for each instrument in the satellite laboratory from which the instrument is based. Original Calibration Certificates will be maintained in the Breath Test Program Headquarters and duplicated in electronic format for legal discovery purposes.

There will be no electronic issuance of Test Reports or Certificates. Original, printed Reports and Certificates are considered official issued versions. This does not preclude the release of copies for public disclosure or legal discovery purposes.

Material amendments to Test Reports or Calibration Certificates will be made only in the form of a further document. The amendment document will be titled in either of the following ways.

- Supplement to Test Report for Solution Batch # [insert batch #]
- Supplement to Datamaster Calibration Certificate for [serial #] issued [issue date]

5.3 PROCEDURE FOR PUBLIC DISCLOSURE

Public disclosure requests will be handled according to procedures established by WSP (*see WSP Regulation Manual and Public Disclosure Manual*).

Any request for information under Public Disclosure will be directed to the appropriate public records coordinator within the TLD. Routine discovery requests or other requests for specific information can be provided directly to the requesting party by the responsible personnel handling the request.

Court orders for discovery of documentation, records and other related breath alcohol calibration materials will typically be fulfilled by routing discovery documents through the prosecuting attorney, unless specifically ordered otherwise by the court or authorized by the prosecuting attorney.

Parties requesting information or documentation from the TLD may also be directed to the WebDMS web site (<http://breathtest.wsp.wa.gov/>). Most relevant materials will be found there.

The prosecuting attorney and/or defense counsel may request a pre-trial conference with a scientist/technician to discuss findings in a particular case. Scientists/ technicians should participate in trial preparation with attorneys, whether in face-to-face meetings or by teleconference. To comply with policies governing release of information, scientists/ technicians must notify prosecuting attorneys of pending interviews with defense counsel. The prosecuting attorney may request to be present for any interviews.

5.4 MEDIA CONTACTS

The TLD recognizes the need for a positive and open relationship with the media, and to further that goal the TLD Commander and IDS Commander will designate a Public Information Officer (PIO) for the Division.

Media requests for information will be directed to the Division PIO. All requests for information on matters related to TLD policy and procedure will be directed to the Laboratory Managers or their designees. The PIO, TLD Commander and IDS Commander will also be notified of such requests.

6 COURTROOM TESTIMONY

Providing testimony in a legal context is one of the most important responsibilities for TLD personnel. Employees must approach this responsibility with sincerity, honesty and diligence. Testimony is a significant part of the employee's responsibility and will be subject to the same quality assurance standards as other aspects of their work.

TLD personnel will not be advocates for either side but rather advocates for the evidence and/or scientific work. Testifying in a court, telephonically or for a deposition will be limited to the policies, procedures, results, training and expertise of the employee. Most often requests for appearance will be through a subpoena. All legal subpoenas will be honored for appearance as directed, regardless of the party issuing the subpoena. Reasonable effort should be made to comply with requests for appearance regardless of whether a subpoena is received or not, as this is the legal culmination of the program responsibilities.

Subpoenas received that pose a scheduling conflict with the employee must be resolved. Resolution is generally done via conversations between the employee and the person issuing the subpoena.

6.1 COURT TESTIMONY MONITORING

The testimony of each forensic scientist and breath test technician must be monitored by their immediate supervisor or designee at least once during the year. Documentation will be completed and maintained.

6.2 PROCEDURE

6.2.1 Employee Requirements

Ideally, prior to going to court to testify, it is the responsibility of the employee to inform their supervisor. This may be done by personal contact, phone or email.

6.2.2 Supervisor Requirements

If the employee's testimony was directly observed, the employee should be given feedback through their supervisor on the positive aspects of the testimony as well as the areas that need improvement. If a court testimony was not directly observed, the supervisor may consult with an officer of the court who was present for feedback on the employee's participation. Alternatively, a transcript of the employee's testimony may be obtained for review. Information received in this manner will be shared with the employee.

Written evaluations will be provided to employees and discussed and signed as soon as practical. Records of testimony monitoring shall be retained not less than one full accreditation cycle.

It is the responsibility of the Supervisors to ensure that testimony of all scientists/ technicians they supervise be evaluated and documented yearly, provided that they testified during that year.

6.2.3 Evaluation Criteria

Evaluation criteria may include:

- Communication Skills
 - Maintains eye contact with the judge or jury
 - Speech is clear, concise, and understandable
 - Posture is open and approachable
- Demeanor
 - Demeanor is polite, professional, and non-argumentative
- Objectivity
 - Answers questions directly
 - Does not speculate
 - Does not show any bias
 - Impartial and not an advocate
- Appearance
 - Demonstrates a clean and well-groomed appearance
 - Clothing is appropriate for a formal appearance in court
- Technical knowledge
 - Limits answers to area of expertise
 - Demonstrates knowledge of the subject matter
 - Is able to translate complex scientific principles into lay terms
- Other relevant comments

6.3 TESTIMONY REVIEW AND JOB PERFORMANCE

Any problems identified from the review of testimony will be addressed by the supervisor and documented in the employee's supervisory file or document book.

The nature of any corrective actions taken should be consistent with the severity of the problem and aimed at the professional development of the employee. Job Performance Improvement (JPIP) plans should include remedial training, and progress must be measured at frequent intervals. Progress, as well as any continued problems, must be documented in the employee's supervisory file or document book.

Employees experiencing significant problems in providing competent testimony based upon deficiencies in technical training, errors in calibration work, or other major difficulties shall be removed from calibration work until the matter is resolved.

7 AUDITS

7.1 POLICY

The TLD will conduct annual Internal Audits, on a pre-determined schedule, with the aim of verifying that its quality processes and related results continue to comply with the requirements of the quality management system, Agency and Division policies and procedures, legal mandates, the ISO 17025:2005 standard, and any supplemental standards required by the accrediting organization. TLD Management can request the QA Manager to schedule additional audits when the need arises.

An annual Management System Review will also be conducted. This review is designed to assess the TLD's management and quality systems, and overall calibration activities (see *TLD Calibration Quality Manual, Chapter 4*). This review ensures continuing suitability and effectiveness of the entire breath alcohol calibration program.

It is the responsibility of the QA Manager to plan and organize audits as required by the schedule. Such audits shall be carried out by qualified personnel who are, wherever resources permit, independent of the activity to be audited. All audits shall be documented, and the documentation retained for at least one accreditation cycle.

When audit findings cast doubt on the effectiveness of the operations, or on the correctness or validity of the laboratory's calibration results, the TLD shall institute corrective actions. Where necessary, the TLD shall notify customers in writing if investigations show that the laboratory results may have been significantly affected. Policies and procedures regarding nonconforming work, internal audits, and job performance can be found in the TLD Calibration Quality Manual (see *Chapters 3, 4 and 7.0.5, respectively*).

The area of activity audited, the audit findings, and corrective actions that arise from them shall be recorded. Follow-up audit activities shall verify and record the implementation and effectiveness of the corrective action taken.

7.2 PROCEDURE

The QA Manager will direct and oversee annual Internal Audits of each laboratory, which will include an on-site inspection of each facility. The audit shall address all elements of the quality management system, to include a review of newly implemented or revised manuals, policies and procedures; adherence to established policies and procedures; adherence to the TLD Safety Plan; and a technical and administrative review of calibration activities.

Once an audit is complete, the QA Manager or designee will prepare an audit report for the TLD Commander and/or IDS Commander. The audit report will include the name of the lead auditor, the date(s) of the audit, the scope of the assessment, all discrepancies noted, and any corrective actions taken. A copy of the audit report and any original audit document will be filled and controlled by the QA Manager.

8 HEALTH AND SAFETY

It is important that the TLD establishes and maintains a health and safety program that is designed to safeguard employees from service-related injury and health problems. The health and safety program is documented in the TLD Safety Plan.

Ultimate responsibility for the health and safety program lies with the TLD Management who must provide continuing support and monitoring. Management will draw upon the TLD Safety Officer(s) and their designees for technical support and assistance.

A Safety Officer(s) shall be assigned within the Toxicology Lab and the BTP and may serve as members of the FLSB or District Safety Committees. These committees meet at least annually for the purposes of updating the individual division or district safety plans, discussing agency-wide safety issues, and making recommendations to management for improving chemical hygiene and safety goals.

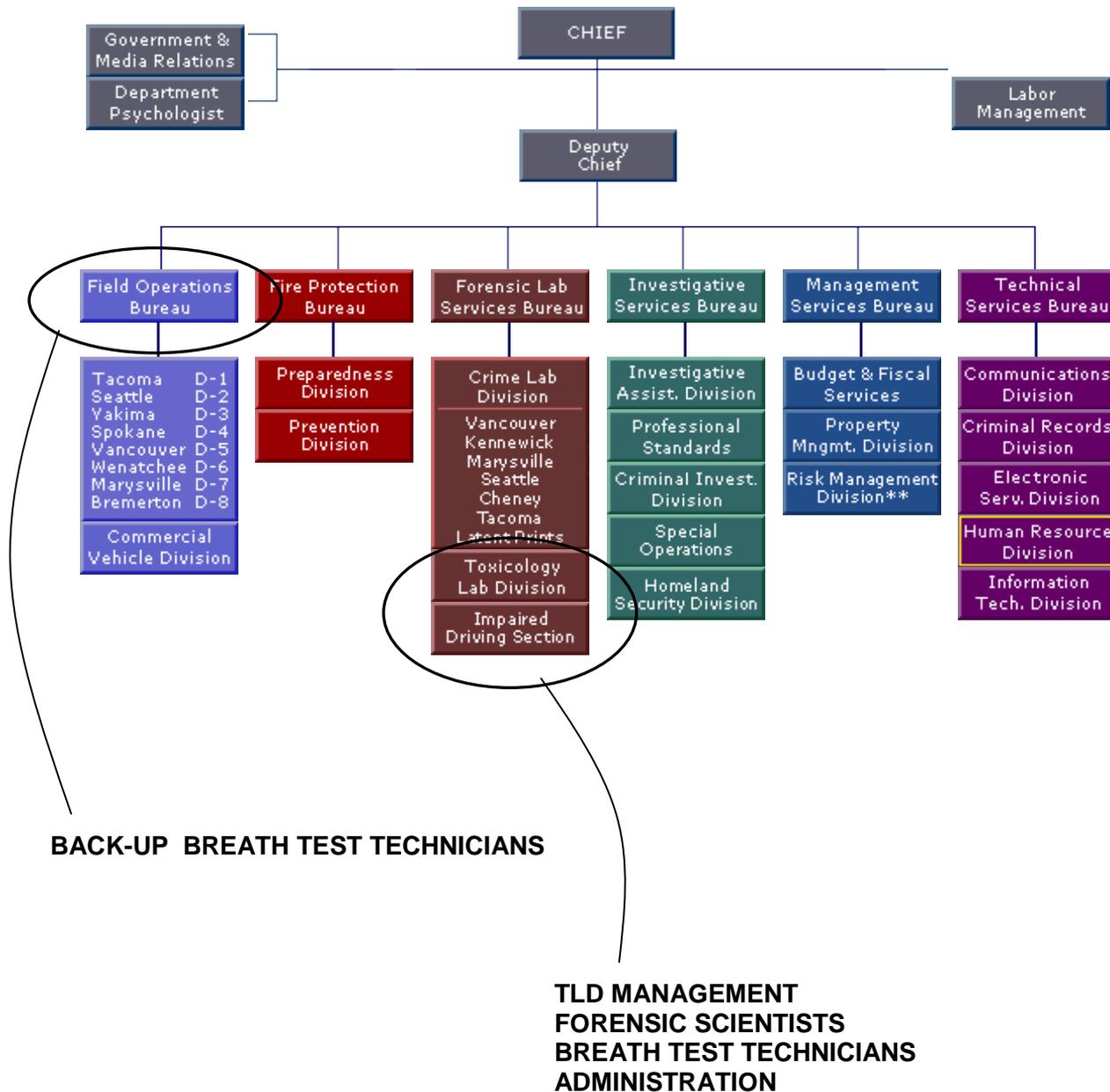
The Safety Officer(s)' responsibility is to ensure compliance with chemical hygiene and workplace safety by providing current information, and monitoring the use of chemicals and other hazardous processes. The Safety Officer(s) or designee will conduct and document annual safety audits, typically as part of the annual Internal Audit of each laboratory. Records of action taken to address safety issues or concerns will be maintained by the Safety Officer(s).

The Safety Officer(s) will have delegated authority from the TLD Commander and IDS Commander to carry out their duties, which include halting any practice or process they feel is unsafe. If this occurs, the Laboratory Manager(s) will be informed of the unsafe practice and corrective measures implemented.

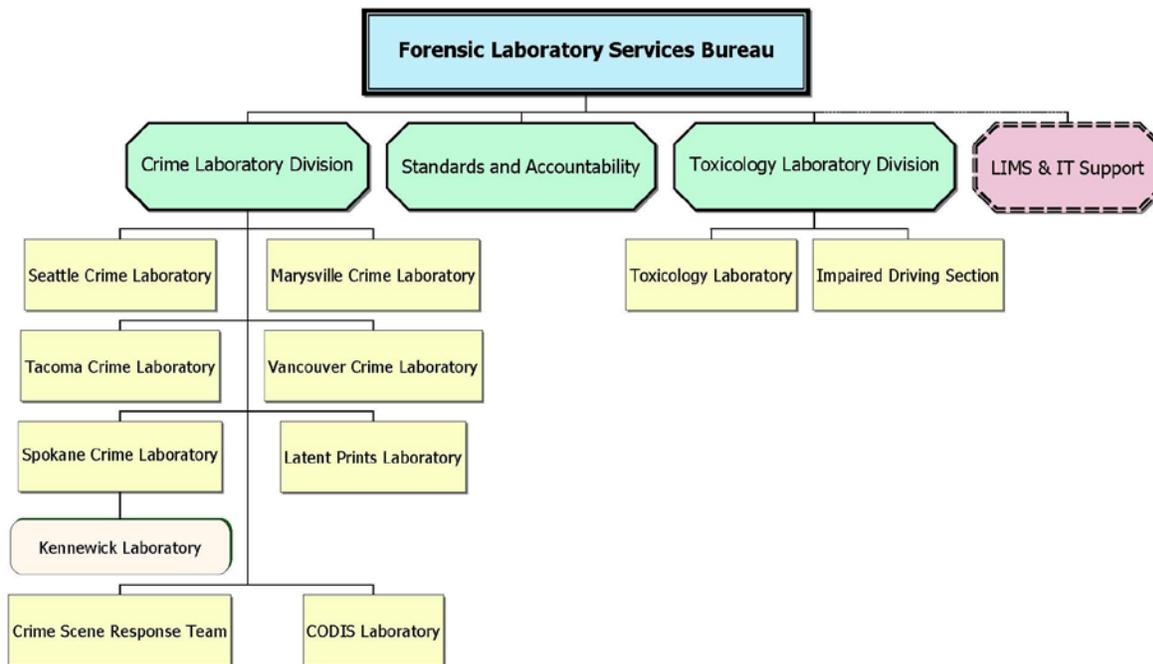
All TLD employees will review the TLD Safety Plan on an annual basis. This review will be documented annually by signing the Directive Control Receipt and Compliance sheet, to be retained by the supervisors. Health and safety requirements will also be included in each employee's annual evaluation and they will be evaluated on their performance and their conformance to safety policy.

9 APPENDIX A – ORGANIZATIONAL CHARTS

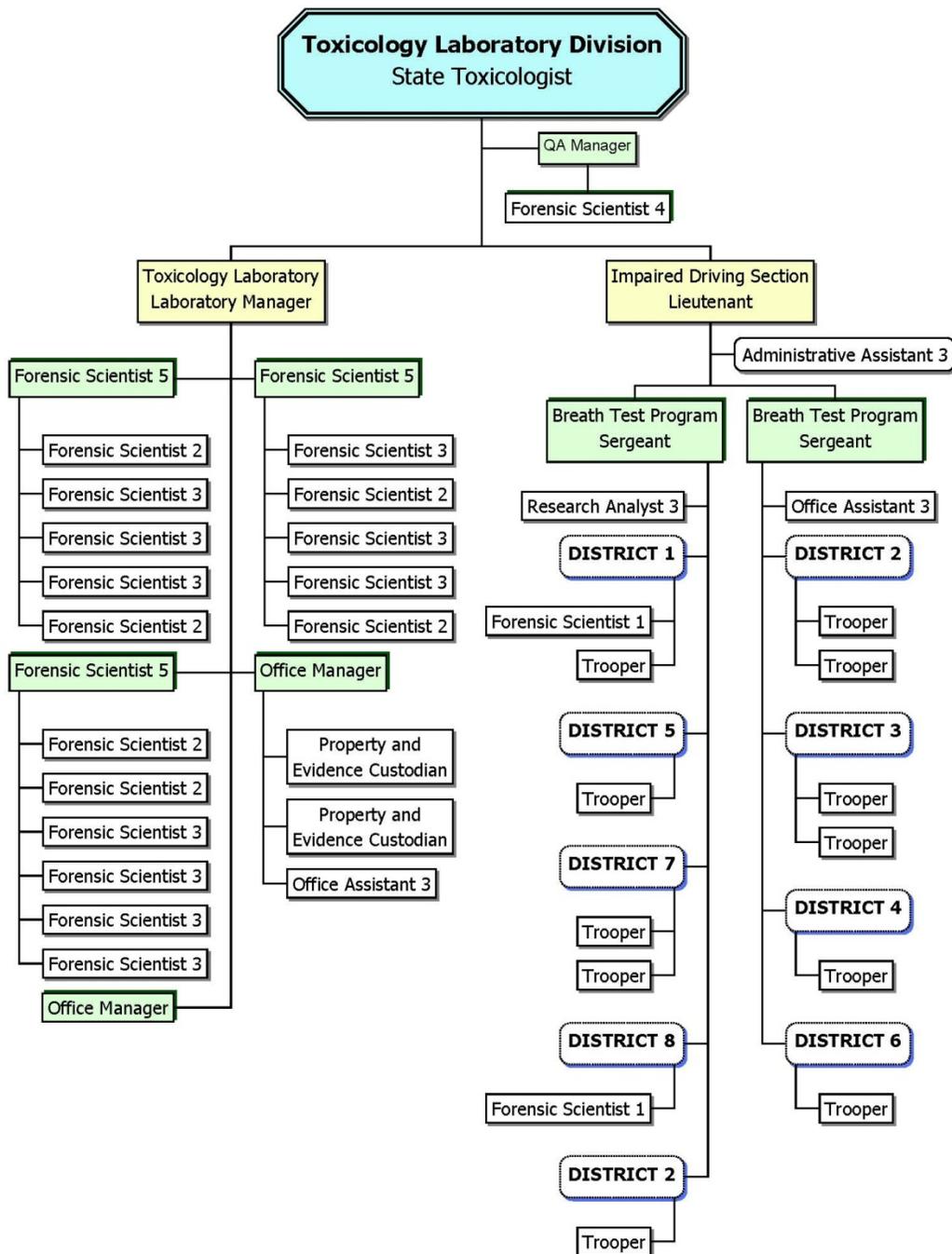
9.1 WASHINGTON STATE PATROL



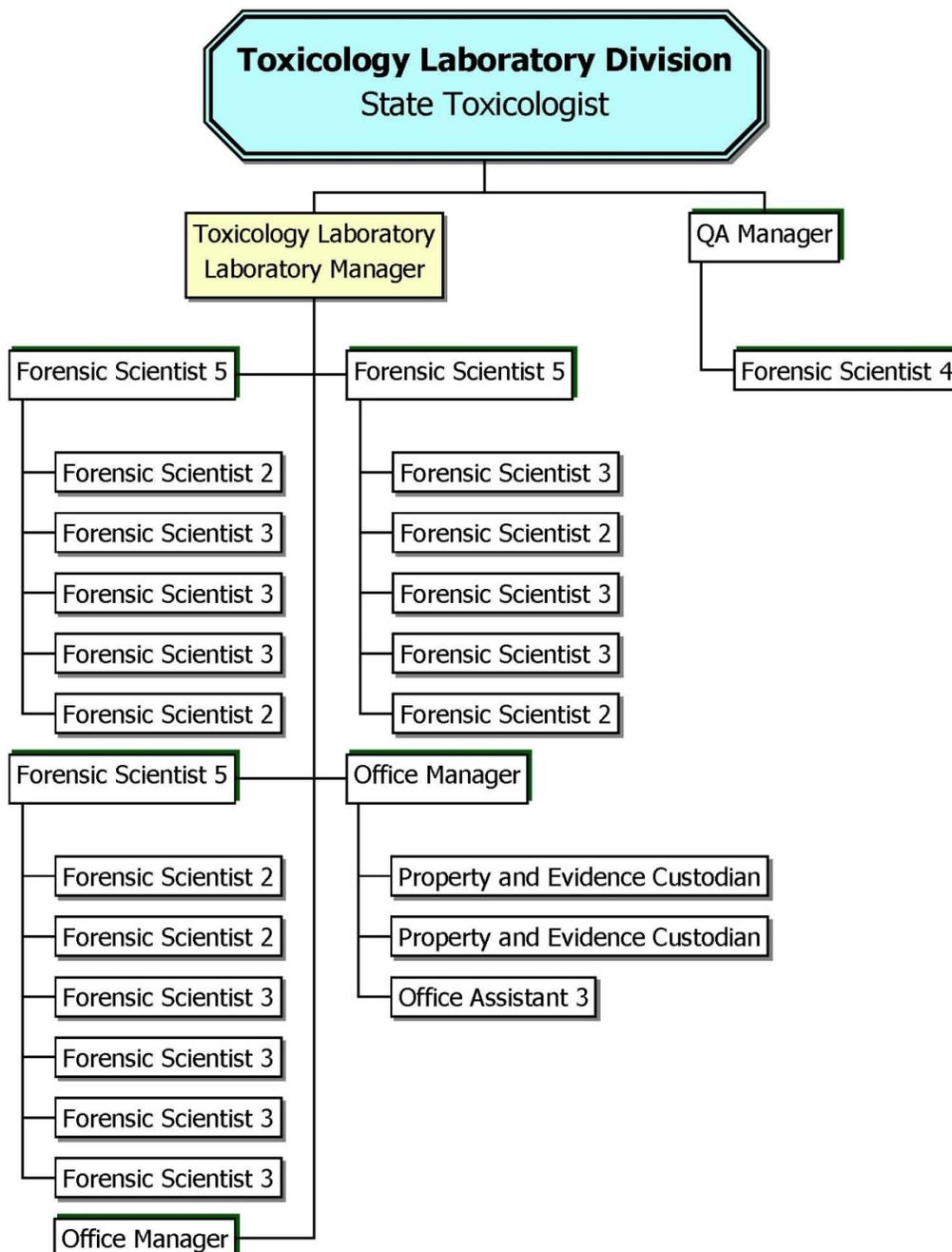
9.2 FORENSIC LABORATORY SERVICES BUREAU



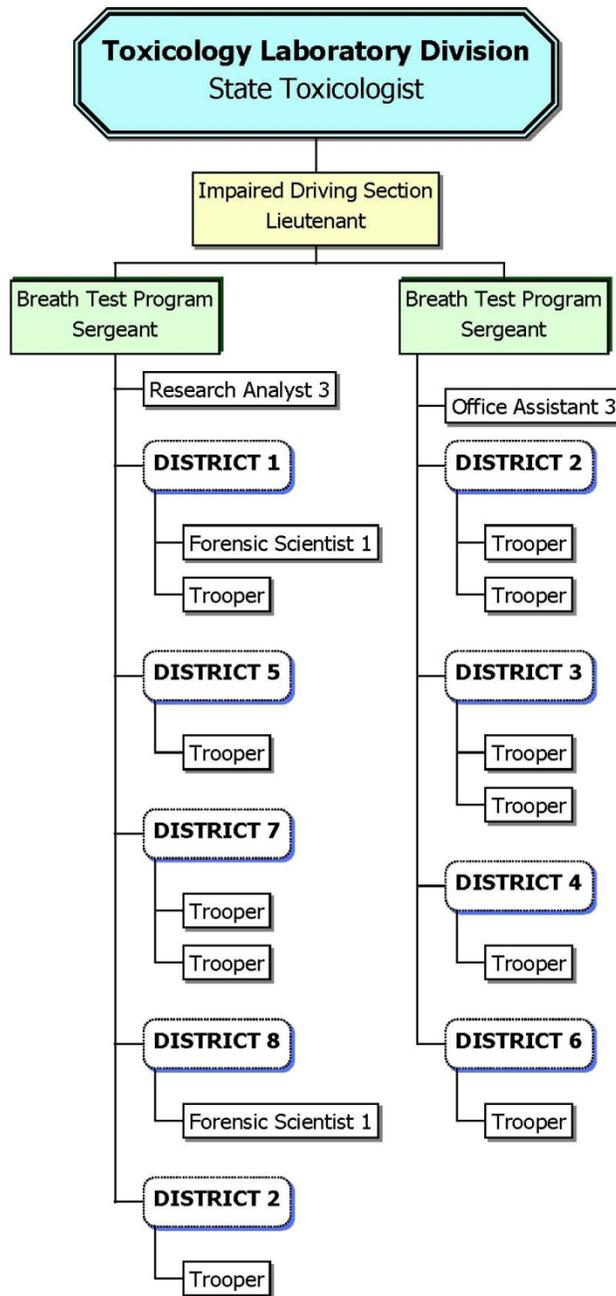
9.3 TOXICOLOGY LABORATORY DIVISION



9.4 TOXICOLOGY LABORATORY



9.5 BREATH TEST PROGRAM



11 APPENDIX C – MINIMUM JOB REQUIREMENTS

FORENSIC SCIENTIST 1

- A Bachelor of Science degree in forensic science or a natural science, which includes a minimum of 20 semester hours or 30 quarter hours of chemistry, and 5 semester or 8 quarter hours of physics; and
- *Desirable*: One year of full-time paid technical experience in an analytical, research, or crime laboratory. Note: An advanced degree in forensic science or a natural science will substitute for one year of experience in an analytical, research, or crime laboratory.

FORENSIC SCIENTIST 2

- A Bachelor of Science degree in forensic science or a natural science, which includes a minimum of 20 semester hours or 30 quarter hours of chemistry, and 5 semester or 8 quarter hours of physics; and
- *Desirable*: Two years of full-time paid technical experience in an analytical, research, or crime laboratory; one year of which must have been in a forensic science laboratory performing analyses of physical evidence and testifying as an expert in courts of law.

FORENSIC SCIENTIST 3

- A Bachelor of Science degree in forensic science or a natural science, which includes a minimum of 20 semester hours or 30 quarter hours of chemistry, and 5 semester or 8 quarter hours of physics; and
- *Desirable*: Two years of experience as a Forensic Scientist 2 or three years full-time paid technical experience in a forensic science laboratory performing analyses of physical evidence which includes testifying as an expert witness in courts of law.

FORENSIC SCIENTIST 4

- A Bachelor of Science degree in forensic science or a natural science which includes a minimum of 20 semester hours or 30 quarter hours of chemistry and 5 semester or 8 quarter hours of physics; and
- *Desirable*: Two years of experience as a Forensic Scientist 3 or five years of full-time paid technical experience in a forensic science laboratory which includes two years performing analyses of physical evidence and testifying as an expert witness in courts of law.

FORENSIC SCIENTIST 5 (SUPERVISOR)

- A Bachelor of Science degree in forensic science or a natural science which includes a minimum of 20 semester hours or 30 quarter hours of chemistry and 5 semester or 8 quarter hours of physics; and
- Two years of experience as a Forensic Scientist 3 or five years of full-time paid technical experience in a forensic science laboratory which includes two years performing analyses of physical evidence and testifying as an expert witness in courts of law.

BREATH TEST TECHNICIAN

- Commissioned Trooper or Forensic Scientist 1
- Basic knowledge of math, statistics, chemistry, biology, physiology, and electronics
- Completion of BAC Datamaster Training Program including Technician, Instructor, and Solution Changer training.

BREATH TEST PROGRAM SUPERVISOR

- Commissioned officer having the RCW rank of Sergeant
- Bachelor of Science degree in one of the sciences is preferred; however, related work experience may be substituted
- Completion of BAC Datamaster Training Program including Technician, Instructor, and Solution Changer training
- Field experience with the Breath Test Program

