



Meeting Minutes Nevada Committee on Testing for Intoxication (COTI)

Attendance	DATE	Thursday, June 6, 2024
	TIME	9:30-11:30 am
	METHOD	Teams Teleconference Meeting ID: 256 381 887 660 Call in: 984-204-1608
	RECORDER	Lindsay Saner, Kimley-Horn and Associates, Inc.
Appointed Voting Members		
Shannon Bryant, Chair	Nevada Transportation Safety Resource Prosecutor	X
Steven Johnson	Washoe County Sheriff's Office Forensic Science Division Director	X
Terri Suffecool	Las Vegas Metropolitan Police Department Forensic Laboratory	X
Eric Bauman	Clark County District Attorney's Office	Abs.
Lt. Andrew Granata (new)	Nevada State Police/Highway Patrol	X
Others Invited		
David Astles	Washoe County Sheriff's Office Forensic Science Division	X
Marlissa Collins	Las Vegas Metropolitan Police Department Forensic Laboratory	X
Darby Lanz	Las Vegas Metropolitan Police Department Forensic Laboratory	X
Rebecca Nelson	Washoe County Sheriff's Office Forensic Science Division	X
Michael Stypa	Las Vegas Metropolitan Police Department Forensic Laboratory	X
Brad Taylor	Washoe County Sheriff's Office Forensic Science Division	X
Legal and Support		
Jesselyn De Luna	Attorney General's Office	X
Lindsay Saner	Kimley-Horn	X

1. CALL TO ORDER (Non-Action Item)

The meeting was called to order by Chair Shannon Bryant at 9:31 am.

2. ROLL CALL, CONFIRM QUORUM, AND INTRODUCTIONS (Non-Action Item)

Chair Bryant led introductions and confirmed a quorum (4 out of 5 members present).

3. PUBLIC COMMENT (Non-Action Item)

Mr. Michael Stypa from the Las Vegas Metropolitan Police Department (LVMPD) reported to the committee a new standard, Academy Standards Board (ASB) Standard 055 was published Friday, May 17, 2024. It is a standard for breath alcohol measuring instrument calibration. Per the scope,

“This standard is applicable to the calibration of breath alcohol measuring instruments for evidentiary purposes. These minimum requirements are included for:

1. The development and validation of calibration methods on these instruments.
2. The evaluation of performance following adjustments in calibrations.
3. Monitoring the validity of the calibrations performed.

This standard is not intended to cover preliminary or non-evidentiary testing, ignition airlock, or federally regulated testing.”

This is the first American national standard on this type of scenario. It has been in a draft form since the beginning of the Organization of Scientific Area Committees for Forensic Science (OSAC) in 2004. The LVMPD will follow this standard for the new 9000 instruments as they move forward with those.

4. PREVIOUS COTI MEETING MINUTES (Discussion/For Possible Action)

The meeting minutes for the October 3rd, 2022, December 12th, 2022, September 26th, 2023, and April 18th, 2024 COTI meetings were distributed to each Committee member for review and each needs to be approved by the Committee. Prior to approval of the minutes, the following corrections were needed:

Correct the spelling of Steven Johnson (previously written as “Stephen”) and update his title to “Forensic Science Division Director” on October 3rd, 2022, December 12th, 2022, September 26th, 2023, and April 18th, 2024 meetings.

Correct the spelling of Darby Lanz (previously written as “Lantz”) on October 3rd, 2022, December 12th, 2022, September 26th, 2023, and April 18th, 2024 meetings.

Correct the spelling of David Astles last name (previously written as “Aste”) on October 3rd, 2022, December 12th, 2022, September 26th, 2023, and April 18th, 2024 meetings.

For item number 15 of the December 12th, 2022 meeting, the minutes noted that Mr. Stypa seconded a motion but that needs to be changed to Steven Johnson.

- Steven Johnson moved to approve the October 3rd, 2022 minutes as corrected.
- Terri Suffecool seconded the motion; it was unanimously approved. The motion passed.

- Steven Johnson moved to approve the December 2nd, 2022 minutes as corrected.
- Terri Suffecool seconded the motion; it was unanimously approved. The motion passed.

- Steven Johnson moved to approve the September 26th, 2023 minutes as corrected.
- Terri Suffecool seconded the motion; it was unanimously approved. The motion passed.

- Steven Johnson moved to approve the April 18th, 2024 minutes as corrected.
- Terri Suffecool seconded the motion; it was unanimously approved. The motion passed.

5. CONTINUED DISCUSSION OF PROPOSED REGULATION CHANGES (Discussion/Possible Action Item)

The Committee continued discussion of possible regulatory changes to NAC 484C. Mr. Michael Stypa provided the ASB Draft Document Standards to the Committee which was helpful regarding the Forensic Analysts of Alcohol (FAA) requirements. Steven Johnson and Terri Suffecool have had discussions specifically regarding NAC 484C.020 and it was determined that additional time was needed to provide a succinct presentation to the Committee.

- Steven Johnson moved to table the discussion on amending NAC 484C until the next meeting.
- Terri Suffecool seconded the motion; it was unanimously approved. The motion passed.

6. ADDITION OF PRELIMINARY BREATH ALCOHOL SCREENING DEVICES (Discussion/For Possible Action)

The Committee discussed three breath alcohol testing devices, the LT7, LX9, and Intoxilyzer 800, and whether to add these devices to Nevada’s list of approved devices for use as preliminary breath alcohol screening instruments.

Marlissa Collins (LVMPD) performed the validation and calibration on the LT7, and it remained stable over a 3–4-month period. Marlissa also subjected the LT7 to temperature testing through heating and cooling. The LT7 took 15 minutes to come to room temperature and analyzed solutions as expected. Marlissa recommends the LT7 be approved for preliminary breath screening.

- Steven Johnson moved to approve the LT7 as a preliminary breath testing device for use in the State of Nevada.
- Terri Suffecool seconded the motion; it was unanimously approved. The motion passed.

Marlissa Collins also performed validation and calibration on the LX9, and it remained stable over a 3–4-month period. Marlissa also subjected the LX9 to temperature testing through heating and cooling. The LX9 took 15 minutes to come to room temperature and analyzed solutions as expected. Marlissa recommends the LX9 be approved for preliminary breath screening.

- Steven Johnson moved to approve the LX9 as a preliminary breath testing device for use in the State of Nevada.
- Terri Suffecool seconded the motion; it was unanimously approved. The motion passed.

David Astles (Washoe County Sheriff's Office [WCSO] Forensic Science Division) performed the validation and calibration on the Intoxilyzer 800 and it remained stable throughout testing. David also subjected the Intoxilyzer 800 to temperature testing through heating and cooling and it performed as expected. Original testing was performed in 2019 and David reexamined the Intoxilyzer 800 recently to ensure it performed correctly. Michael Stypa asked if data exists to support the results and David Astles informed the Committee that the 2019 data went missing when the laboratory moved. The manufacturer of the Intoxilyzer 800, CMI, included a letter from the National Highway Traffic Safety Administration (NHTSA) indicating that the device is on the conforming products list for evidentiary breath testing devices. David froze the device overnight and baked the device to 150 degrees Fahrenheit and the device worked properly once it returned to its operating temperature. David recommends the Intoxilyzer 800 be approved for preliminary breath screening.

Terri Suffecool noted that even if the data is not available, David's assessment, along with the NHTSA letter, is sufficient.

- Steven Johnson moved to approve the Intoxilyzer 800 as a preliminary breath testing device for use in the State of Nevada.
- Terri Suffecool seconded the motion; it was unanimously approved. The motion passed.

7. PUBLIC COMMENT (Non-Action Item)

Steven Johnson thanked the FAAs from the north and south who worked together on the Intoxilyzer 9000 software and says they are doing an excellent job on that process. He was part the FAA when they transitioned to the 8000 and understands how much work it entails. He asked any members of the FAA that if they have any process where they would like Committee approval or opinion regarding policy, software, or checklist, to provide that information to the Committee so they can help the breath alcohol program move forward as they transition to the 9000s. Shannon and Terri agreed.

David Astles encourages the Committee to have greater frequency of meetings in the coming months. As the FAA is developing software for i9000, they will need policy advice from the Committee to make the decisions that are policy in nature. It is still feasible for a soft rollout of 9000 software on a pilot basis in late 2024. Las Vegas has more hurdles before they go live, but it would be a useful learning process for the development of the statewide 9000 program. It is doable if everyone is diligent to get things

resolved and Committee support will help in achieving that. David reminded everyone that there is an upcoming election in the fall and the Legislative Council Bureau gets very busy and regulation changes get slowed down once the new legislative season begins.

8. ADJOURNMENT (Discussion/For Possible Action)

The next meeting will be scheduled in a month to continue the discussion.

- Steven Johnson moved to adjourn.
- Terri Suffecool seconded the motion; it was unanimously approved. The motion passed.
- Meeting adjourned at 11:08 am.
- Email Shannon Bryant if you have a proxy attending future meetings on your behalf.