

EXHIBIT 1

Michigan State Police Forensic Science Division

Customer Notice: Breath Alcohol - Interferent Detected Message and Expired Operator Certification

December 18, 2025

DOCUMENT SUMMARY

This Michigan State Police customer notice addresses two quality-assurance issues involving evidential breath alcohol testing. First, when an Intoxilyzer 9000 reports that an interferent was detected, the instrument instructs the operator not to conduct another breath test and recommends obtaining a blood sample. MSP states that, if an additional test is nevertheless performed, reports from all tests must be retained and provided to the appropriate parties.

Second, the notice addresses expired Class III operator certifications. MSP explains that the instrument cannot verify the certification date or credentials manually entered by an operator. Agencies therefore must verify that the date entered corresponds with the operator's actual training history and that the certification was valid on the date of testing. MSP further states that a refresher course completed after certification has expired is invalid and that the operator must complete the full in-person Intoxilyzer 9000 training to regain certification.

The following pages reproduce the source document as provided.

MICHIGAN STATE POLICE

Forensic Science Division



Customer Notice – December 18, 2025

Breath Alcohol – Interferent Detected Message and Expired Operator Certification

The Michigan State Police (MSP) is responsible for the administration of the Breath Alcohol Program for evidential breath alcohol testing in the state of Michigan. The Training Division (TD) conducts and maintains records of initial and ongoing instrument operator certifications. The Forensic Science Division (FSD) oversees the acquisition, validation, deployment, maintenance, and data collection of the State's breath alcohol detection instrumentation.

As part of its ongoing commitment to quality assurance, breath alcohol data is regularly reviewed. Recent data reviews have highlighted two areas of which law enforcement officers, attorneys, and courts should be aware:

1. Test Continuation After "Interferent Detected"

In certain cases, a breath test may terminate with the following printed exception message:

"Test stopped by instrument. An interferent was detected in the subject's breath sample. Do not attempt to conduct another breath test with this subject. It is recommended that a blood sample be obtained."

This message confirms that the instrument is functioning properly and that a built-in safeguard was activated due to a variable in the subject's breath sample or the testing environment. When this occurs, the instrument instructs the operator not to conduct another breath test and directs that a blood sample be obtained instead. While this guidance reflects the instrument's programmed safety protocols, it does not physically prevent the operator from initiating an additional breath test on the same subject.

If a subsequent breath test is performed despite the instrument's instructions, it is essential that printed reports from all tests conducted on the subject are retained and provided to the appropriate parties.

2. Expired Operator Certification

Under Administrative Rule R325.2658(1), Class III breath test operators must re-certify every two years. During testing, operators manually enter their certification date into the instrument; however, the instrument is currently unable to verify the accuracy of the entered date or the operator's credentials.

Agencies must confirm that (1) the certification date listed on the subject's printed test report aligns with the operator's most recent Intoxilyzer 9000 training or refresher course and (2) that the operator's certification is valid on the date of testing.

NOTE: Refresher courses completed after a certification has expired are considered invalid and the operator is no longer certified. In such cases, operators must attend the full in-person Intoxilyzer 9000 training to regain certification.

Both scenarios are thoroughly addressed in the MSP Intoxilyzer 9000 Training and Biennial Refresher courses available to all law enforcement personnel statewide. For further information or clarification, please contact the Breath Alcohol Technical Leader, Jordyn Geiger, or Sgt. Scott Tuttle of the Training Division.

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EXHIBIT 2

Grand Traverse County Prosecuting Attorney

Letter Regarding Intoxilyzer 9000 and Invalid Certifications

September 17, 2026

DOCUMENT SUMMARY

Prosecuting Attorney Noelle R. Moeggenberg reports that several officers from the Grand Traverse County Sheriff's Office and Traverse City Police Department used the Intoxilyzer 9000 at the Grand Traverse County Jail after their certifications had expired. Following an audit, the Prosecutor's Office received a list of affected cases spanning August 2025 through August 2026.

The letter states that Intoxilyzer results obtained by an operator who was not properly certified when the test was administered are not admissible. It further reports that several pending cases had been dismissed, that the prosecutor would not object to plea withdrawals based on the error, and that both open and closed cases were being reviewed to determine appropriate further action based on evidence independent of the Intoxilyzer results.

The following pages reproduce the source document as provided.

September 17, 2026

RE: Intoxilyzer 9000 and invalid certifications

To Whom It May Concern,

My office has been working with the Grand Traverse County Sheriff's Office and Traverse City Police Department after learning that several law enforcement officers from both Departments have used the Intoxilyzer 9000 at the Grand Traverse County Jail after their certification expired. The issue of how and why they continued to use the instrument without a valid certification date will be investigated.

Following an audit, my office has received a list of cases where this occurred. Intoxilyzer results obtained by an operator who was not properly certified at the time of administering the test are not admissible. These cases range from August 2025 to August 2026, meaning many of these cases have already been adjudicated.

Current cases are a priority to avoid causing additional work. Defense counsel will be notified in writing of the issue. Several cases have been dismissed outright. There will be no objection to a defendant who wishes to withdraw their plea based on this error. Whether my office will proceed further in each of those cases will be determined individually based on the evidence of intoxication/impairment that exists independently of the Intoxilyzer results.

My office is going through the closed cases as quickly as possible. Letters will be sent to defendant and defense counsel explaining what happened in each particular case. As with open cases, there will be no objection to a defendant who wishes to withdraw his or her plea based on the invalid Intoxilyzer results.

I am deeply sorry for the inconvenience and extra work this will have on all involved. Please know that as stated above, this issue is being investigated and will be addressed.

Please feel free to call with any questions or concerns.

Noelle R. Moeggenberg
Prosecuting Attorney

EXHIBIT 3

Grand Traverse County Sheriff's Office

Press Release: GTSO Addresses Intoxilyzer 9000 Certification Concerns

2026

DOCUMENT SUMMARY

The Sheriff's Office describes its review of Intoxilyzer 9000 operator-certification concerns after being contacted by the Grand Traverse County Prosecuting Attorney's Office. As a precaution, GTSO directed deputies to stop using the jail's Intoxilyzer 9000 and to use blood draws instead.

The review identified problems involving lapsed certifications, the recertification process, and certification dates entered into the instrument. GTSO states that the Intoxilyzer 9000 would accept a certification date entered by an operator rather than requiring the operator's actual certification date and would still complete the analysis. The release reports that 17 of 71 MCOLES-certified officers were affected, involving 41 alcohol-related cases, and describes corrective training and new internal certification-tracking safeguards.

The following pages reproduce the source document as provided.



GRAND TRAVERSE COUNTY SHERIFF'S OFFICE

Michael D. Shea, Sheriff • Randy Fewless, Undersheriff

Administration

851 Woodmere Avenue, Traverse City, MI 49686-3349 • (231) 995-5000 • FAX (231) 995-5010

Corrections

320 Washington Street, Traverse City, MI 49684-2583 • (231) 922-4530 • FAX (231) 922-4415

FOR IMMEDIATE RELEASE

GTSO Addresses Intoxilyzer 9000 Certification Concerns

On August 20, 2026, the Grand Traverse County Sheriff's Office (GTSO) was contacted by the Grand Traverse County Prosecuting Attorney's Office regarding questions about Intoxilyzer 9000 operator certifications and certification date entries. The Intoxilyzer 9000 is used to determine the level of intoxication in Operating under the Influence and other alcohol related cases.

GTSO immediately began an internal review of its deputies' certifications and requested an additional review by the Michigan State Police Intoxilyzer Unit. GTSO also worked with the Grand Traverse County Prosecuting Attorney's Office, Traverse City Police Department, and Michigan Sheriffs' Association to identify and address the concerns.

As a precaution, GTSO immediately directed deputies to stop using the Intoxilyzer 9000 at the jail and to use blood draws to determine levels of intoxication instead.

The review identified issues involving the recertification process and the dates entered in to the Intoxilyzer 9000. In particular a deputy whose certification had lapsed could complete a recertification course and receive a new certificate of completion, despite the requirement under Administrative Rule R 325.2658 that an operator with a lapsed certification complete the initial certification program.

The review also determined that the Intoxilyzer 9000 would accept other certification dates entered by an operator, rather than requiring the operator's actual certification date and still complete the analysis.

GTSO identified the deputies affected and has taken steps to bring all operators into compliance. Initial certification training has been scheduled through the Michigan State Police for August 27 and October 7, 2026. Upon completion of the required training, all affected GTSO deputies will be fully certified to operate the Intoxilyzer 9000.

GTSO has also implemented additional safeguards, including certification cards for deputies to carry when administering the test and an internal system for tracking certification status and expiration dates.

GTSO understands that the concerns identified may extend beyond the Sheriff's Office and Traverse City Police Department. The agencies involved continue to work cooperatively to address the issue and improve the certification process. Of 71 MCOLES certified officers, 17 are affected by this; 41 alcohol related cases.

The Grand Traverse County Sheriff's Office takes the proper administration of impaired-driving testing seriously. We apologize for the concerns this situation has created and appreciate the cooperation of our law-enforcement partners and the public as we work to ensure all certification requirements are met moving forward.

