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Mass. Bar Association calls for independent investigation  
of breathalyzer tests following Executive Office of Public Safety’s Statement  
Justice, fairness and public transparency dictates the appointment of a neutral investigator

BOSTON, Mass. — The Massachusetts Bar Association (MBA) strongly believes an independent investigator should undertake a broad review of the use of breathalyzer tests as evidence in suspected cases of drunk drivers, as the accuracy of breathalyzer tests in Massachusetts cases have recently been called into question by a majority of the state’s district attorneys.

The Executive Office of Public Safety’s statement citing incorrect police officer calibration is most troubling and insufficient when questionable breathalyzer machines are still being used as evidence in court and as a tool to persuade a defendant to plead guilty.

“A number of questions remain and the public has a right to transparency that only an independent investigator can provide,” said MBA Chief Legal Counsel Martin W. Healy. “The constitutional rights of our citizens are at stake as well as the opportunity for them to have a fair and equitable trial.”

The MBA believes drunk driving is a very serious problem, however convictions need to be based on reliable and accurate evidence.

In order for an investigation into breathalyzer tests to be credible and deemed beyond reproach, the MBA believes an independent investigator — who cannot be perceived as having any stake in the outcome of the investigation or ties to the state’s law enforcement community — should be appointed immediately by the Attorney General.

Incorporated in 1911, the Massachusetts Bar Association is a non-profit organization that serves the legal profession and the public by promoting the administration of justice, legal education, professional excellence and respect for the law. The MBA represents a diverse group of attorneys, judges and legal professionals across the commonwealth.