

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

8.12.12 IMPLIED CONSENT – BAC DATAMASTER TIME STAMP

POLICY #: 8.12.12	DATE: 09/01/93	REVISION DATE: 11/16/01
TITLE: IMPLIED CONSENT - BAC DATAMASTER TIME STAMP		PAGE 1 OF 2
RESPONSIBLE AUTHORITY: SPECIAL AGENT IN CHARGE OF THE FORENSIC SERVICES LABORATORY		

RELATED STANDARDS/STATUTES/REFERENCES: S. C. Code of Laws, Section 23-31-410
S. C. Code of Laws, Section 50-21-114
S. C. Code of Laws, Section 55-1-100
S. C. Code of Laws, Section 56-1-286
S. C. Code of Laws, Section 56-1-2130
S. C. Code of Laws, Section 56-5-2950
S. C. Code of Laws, Section 56-5-2953
S. C. Code of Regulations, Chapter 73,
Article 1

GENERAL PURPOSE: To set forth policies for the administration of implied consent breath alcohol tests.

POLICY: The Division will establish procedures for properly conducting implied consent BAC DataMaster breath alcohol tests.

SPECIFIC PROCEDURES: A BAC DataMaster shall be used to time stamp the SLED evidence ticket to denote the beginning of the observation period unless a refusal has already occurred. In this case, a time stamp is not necessary. Depending on the software version, the time stamp information may be stored by the BAC DataMaster for later retrieval. The ticket may be time stamped by any BAC DataMaster, not necessarily the one on which the test is to be performed. After the rights advisement and checking of the mouth are completed, the test operator will time stamp the ticket (unless a refusal has occurred). The time stamp function can only be used while the instrument is in the ready state. Therefore, if a prior test is in progress, the operator will have to wait to time stamp his/her ticket until after that test is completed.

The instrument will display "INSERT TICKET" after the time stamp button is pressed, unless a ticket has already been inserted. Depending on the software version, the instrument may then display, "OPERATOR CERTIFICATION #" followed by "TRAFFIC TICKET #". If these two prompts appear, the information should be entered. NA should be entered if there is no traffic ticket/warrant number. Any information entered for "OPERATOR CERTIFICATION #" and "TRAFFIC TICKET #" is printed on the evidence ticket and stored in the database. After data review, the instrument will print on the ticket, "OBSERVATION TIME BEGINS", the time (in twenty-four hour format), and the date (in mm/dd/yy format) and eject the ticket. The operator will then wait until it is time to administer the breath test.

For breath testing purposes, the "official time" is the time recorded by the DataMaster. This time is recorded on both the evidence ticket and internal memory of the DataMaster and is used to establish if the operator has followed proper protocol. For example, to calculate the twenty-minute observation period, the difference between the observation time stamp and the subject sample time should be calculated. For videotaping purposes, the time displayed on the VDS-2 (videotaping system) is present to ensure integrity of the recording. The times on the VDS-2 and DataMaster may often differ due to the separate time measurement devices used by these instruments. However, the comparison of these two times should indicate if the videotaping and breath testing of the subject were conducted concurrently.

BY ORDER OF:


CHIEF OF SLED