SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

POLICY #: 8.12.17	DATE: 09/01/93	REVISION DATE:
TITLE: IMPLIED CONSENT - BAC DATAMASTER RUN STEPS		PAGE 1 OF 3

RESPONSIBLE AUTHORITY: SPECIAL AGENT IN CHARGE OF FORENSIC SERVICES LABORATORY

RELATED STANDARDS/STATUTES/REFERENCES: S.C. Code of Laws, Section 56-5-2950
S.C. Code of Laws, Section 50-21-114
S.C. Code of Laws, Section 55-1-100
S.C. Code of Laws, Section 56-1-2130

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: The run sequence consists of the following steps:

(1) PURGING - Flushes sample chamber with room air.

(2) AMBIENT ZEROING - Establishes a reference point for measurements. The test will abort if significant alcohol and/or interference is present in the ambient (room) air and/or sample chamber.

(3) BLANK TEST - A test to ensure no significant alcohol and/or interference is present in the room air and/or sample chamber. The test will abort if significant alcohol and/or interference is present.

(4) INTERNAL STANDARD - A check of optical and electronic accuracy by using a quartz plate of known infrared absorption.

(5) EXTERNAL STANDARD (0.10% SIMULATOR) - A reading of 0.095% through 0.105%, inclusive, constitutes a 0.10% reading according to SLED policy and passes test. Any reading outside this range constitutes a failure and the test aborts. The external standard (simulator) test serves a calibration check for the system and shows whether the instrument is functioning properly (along with the other checks).

(6) PURGING - Flushes sample chamber with room air.

(7) AMBIENT ZEROING - Establishes a reference point for measurements. The test will abort if significant alcohol and/or interference is present in the room air and/or sample chamber.

(8) BLANK TEST - A test to ensure no significant alcohol and/or interference is present in the room air and/or sample chamber. The test will abort if significant alcohol and/or interference is present.

(9) PLEASE BLOW - The instrument will display, "PLEASE BLOW", at the time for the subject to blow. The test operator shall place a new mouthpiece on the breath tube, unless a refusal has already occurred. The subject may use the same mouthpiece in the event the test is aborted and must be started again. The subject is given approximately two minutes (time suspended during blowing) to provide an adequate breath sample.

The subject must provide a continuous breath sample, acceptable to the instrument, containing at least approximately one and one half liters. "PLEASE BLOW" will display until an adequate sample is obtained or the time expires. The instrument will indicate if the subject has significant mouth alcohol on his/her breath. Belching during the process of providing a breath sample will have no effect on the breath test reading. Regurgitating during the process of providing a breath sample, to an extent that would affect the test results, would cause the instrument to indicate "INVALID SAMPLE" or "DETECTOR OVERFLOW" for the subject sample. In either case, the test is aborted and the operator will have to begin the entire test sequence again, if the arresting officer still desires a breath test. The mouth will be checked again, another evidence ticket time stamped, and another minimum twenty minute observation period begun.

If another "INVALID SAMPLE" or "DETECTOR OVERFLOW" reading is then obtained, a blood sample may be requested, since the subject is unable to provide an acceptable breath sample. Alternatively the operator may elect to continue to administer a breath test in this case, but the checking of the mouth, time stamp, and observation period must be repeated. An "INVALID SAMPLE" or "DETECTOR OVERFLOW" reading is not a completed test. Additionally, an "INVALID SAMPLE" or "DETECTOR OVERFLOW" reading, by itself, is not a refusal situation.

The instrument will indicate if significant interference is present in the subject's breath. In this case, the breath sample is not acceptable, and the instrument will print "INTERFERENCE DETECTED". This reading is not a completed test and, by itself, is not a refusal situation. In the event of this reading, the subject may be taken to the hospital and a blood sample may be requested, since the subject is unable to provide an acceptable breath sample. Alternatively, the operator may elect to continue to administer a breath test. In this case, rechecking of the mouth and a new observation period are not required.

If an acceptable sample is not provided in two minutes, the instrument will display "SUBJECT REFUSE? <Y/N>". The answer must be a "Y" or "N". If "Y" is entered, the instrument will print "REFUSED" by "SUBJECT SAMPLE", after run sequence procedures (10) - (12) are completed. If "N" is entered, the test will abort and the instrument will print "INCOMPLETE" by "SUBJECT SAMPLE". A "N" should only be entered if the subject failed to provide an acceptable breath sample through no fault of his/her own (for example: fainting, unintentional regurgitation, etc.). In the event of an "INCOMPLETE", the test sequence should be repeated, except that rechecking of the mouth and another observation period are not required, unless the observation period has been invalidated. An "INCOMPLETE" reading, by itself, is not a refusal situation. If "Y" is entered to the question "SUBJECT REFUSE? <Y/N>", the following questions will be prompted after run sequence steps (10) - (12) are completed:

"REFUSAL SLIP #" - Enter the refusal slip number and press "RETURN".

"REVIEW DATA? <Y/N>" - A "Y" must be entered, but "RETURN" should not be pressed. After the data for "REFUSAL SLIP #" is reviewed, the evidence ticket is printed. If the test operator now desires to make changes, he/she may write changes on the ticket and initial them. The time and date may also be written by initials.

(10) PURGING - Flushes sample chamber with room air.

(11) BLANK TEST - A test to ensure no significant alcohol and/or interference is present in the room air and/or sample chamber. The test will abort if significant alcohol and/or interference is present.

(12) INTERNAL STANDARD - A check of optical and electronic accuracy by using a quartz plate of known infrared absorption.