SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

POLICY #: 8.12.29	DATE: 09/01/93	REVISION DATE: 03/01/96
TITLE: IMPLIED CONSENT - BAC DATAMASTER INSPECTIONS/DATA		PAGE 1 OF 2

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: A simulator test and two internal standard tests (along with the other run sequence steps) inspect the instrument each time a subject test is performed. This inspection ensures that the instrument is working properly with each and every subject test, regardless of any prior or subsequent status/error codes. Additionally, a SLED certified breath test specialist will inspect every certified BAC DataMaster (either remotely via computer modem or on-site) at least once every three months and issue a SLED inspection sheet. Also, an inspection is performed after any repair is completed. However, the inspection may begin before three months has elapsed and not be completed until after the three month period. In this case, the time lapse between inspection sheets may exceed three months. This is acceptable as long as no subject tests are performed until the inspection is complete. Basically, there must be at least one SLED inspection performed in the three months prior to a subject test. Failure to have an inspection within the required time period does not cause revocation of certification for that instrument, but signifies that proper procedures for that time period were not followed.

After an inspection, an inspection sheet, with serial number, site location, date/time of completion, and name of SLED certified breath testing specialist will be completed stating that the instrument is working properly. Inspection sheets are not required to have the signataure of the SLED certified breath testing specialist, as long as his/her name is listed on the report. These sheets are maintained by SLED for a minimum of five years.

Any inspection shall consist of at least a 0.10% supervisor test or a diagnostic test. A supervisor and/or diagnostic test may be performed by SLED without an inspection sheet being completed. To pass the supervisor test, the

simulator solution average reading shall be a 0.10% (0.095% through 0.105%, inclusive), and the simulator solution temperature shall be 34 degrees Celsius (C) (33.5 through 34.5, inclusive). To pass the diagnostic test, no errors and/or failures may appear.

Recalibrations are done when necessary, with this denoted on the inspection sheet. There is no specific interval at which an instrument must be recalibrated. An inspection is performed in conjunction with each recalibration. Three calibration checks (simulator test and two internal standards) are performed with each subject test. A failed calibration check does not necessarily require recalibration, but repeated failed calibration checks may require some inspection and/or repair actions that may or may not include recalibration. Records of calibration factors are not required to be retained.

Often, status/error codes do not require a inspection and/or repair action be undertaken. An inspection and/or repair may be performed by the SLED certified breath testing specialist when a status/error code repeatedly occurs. All repairs of BAC DataMasters will be performed by a SLED certified breath test specialist, the manufacturer, and/or manufacturer's service representative. A certified test operator is allowed to perform minor functions as long as the instrument cover is not removed. Such functions would typically include such actions as replacing a breath tube or a fuse. These minor actions are not considered repairs and do not require an inspection by a SLED certified breath specialist. No instrument should be removed for repair or any other reason from its assigned location by an agency other than SLED without first notifying the SLED Implied Consent Department and receiving verbal and\or written approval. After a repair is completed, a SLED certified breath test specialist shall inspect the instrument on-site at its assigned location before it is put back into service and issue an inspection sheet. However, inspections not involving repair action may be performed remotely or on-site.

Retrieved test data shall be maintained by SLED for a minimum of five years. No intentional deletion may occur before the five year time period has expired. However, the accidental/unavoidable loss of data does not invalidate any breath tests. Data retrieved from the instrument cannot be changed, even if incorrect information was entered. If an operator discovers that incorrect data was entered either by error or incorrect information supplied by the subject, he/she should make the proper notations in his/her records. SLED does not need to be notified in either case. Time stamp information and calibration factors (other than current ones) are not stored by the instrument. Additionally, only the final breath test result, simulator alcohol reading, and simulator temperature reading are stored from the run sequence steps.

BY ORDER OF:

CHIEF OF SLED