SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

POLICY #: 8.12.6	DATE: 09/01/93	REVISION DATE: 06/29/98
TITLE: IMPLIED CONSENT - BAC DATAMASTER SITES		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
S.C. Code of Laws, Section 23-31-410
S.C. Code of Laws, Section 56-1-286

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: To be eligible for a SLED provided BAC DataMaster, a site must meet at least one of three qualifications at the time of the county conversion. Depending on funding, a site that meets the qualifications after the county has been converted to BAC DataMaster may or may not receive an instrument from SLED. These qualifications are:

(1) The site is approved by the S.C. Department of Corrections as an overnight lockup for adults. The department located at the site must also have a significant number, as determined by SLED, of DUI arrests. A site does not qualify solely by being an overnight adult lockup.
(2) The department has at least one hundred DUI arrests a year in two of the last three years based on data from the SLED Uniform Crime Report.
(3) The site location is at a county seat.

However, a non-qualifying site with the concurrence of SLED may purchase their own BAC DataMaster. These qualifications only establish eligibility, because the number of BAC DataMasters provided by SLED is dependent on available funding. If funding is limited, all eligible sites in a county may not receive a BAC DataMaster.

Each potential site for a certified BAC DataMaster to conduct implied consent testing is required to pass an inspection by a SLED certified breath test specialist. This site inspection must be completed before a BAC DataMaster is certified for operation there. The certification sheet issued for each instrument serves as documentation that the site inspection was passed. This sheet denotes the site location where the instrument is certified for operation. The instrument may not be moved from this general location without SLED

performing another site inspection. Movement of the instrument within a limited area, such as different locations within a room, may be done by the local agency without another site inspection or instrument certification by SLED. The following criteria are required of each and every site. Failure to continue to observe these criteria may result in revocation of the certification of the site. These criteria are:

(1) Each site must be climatically controlled. The temperature must typically be maintained between 60 degrees Fahrenheit and 80 degrees Fahrenheit. However, failure to continually observe this requirement, due to equipment malfunctions, does not affect the certification of the site. No monitoring of the site temperature is required. If variances in site temperature become extreme and could affect the BAC DataMaster or simulator, the instrument would abort the test due to varied status/error codes.

(2) Each site, except SLED, must have one dedicated phone line. Certified BAC DataMasters at SLED must only have access to a phone line. Multiple BAC DataMasters at the same site may each have a separate phone line or may, at the discretion of SLED, operate from one phone line. For multiple instruments to operate from one phone line, the line must have distinctive ring capability, there must be one phone number per instrument, and the instruments must be located in the same room. This phone line may not be used for any other purpose than the communication with DataMasters. For use in a mobile van, this line may be cellular.

(3) Each site must have access to a 110 volt (normal household current) electrical line. The receptacle must be properly grounded and must be compatible with a three prong plug. There must not be excessive demand on this line from other devices. The line, in general, must be acceptable to the SLED certified breath test specialist. The instrument should not be moved from one electrical outlet to another one without the verbal approval of SLED.

SLED may utilize a line conditioner, surge suppressor, uninterruptable power system (ups), isolation transformer, and/or other types of line protection equipment with the electrical line supplying power to the BAC DataMaster. However, none of these are requirements for the line. If utilized, they are solely to improve life of electrical components. The lack of a line protection system does not affect the accuracy of the breath test in any way.

(4) Each site must be located in a secure building or van that can be locked.

(5) SLED may set up approved temporary sites for short term usage. Such sites must be inspected and approved by SLED prior to usage and may be utilized for a time period not to exceed seven consecutive days. These sites are not required to meet the above requirements for permanent sites, as long as accurate testing conditions are assured. A certification sheet must be completed for each temporary site and the fact that this is a temporary site shall be designated in a comments section. This certification sheet serves as documentation that the temporary site was inspected and approved by SLED. A location may only be utilized as a temporary site twice per calendar year. Any certified instrument may be operated at a temporary site with the approval of SLED, as long as the appropriate certification sheet is completed.

BY ORDER OF:

CHIEF OF SLED