

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

POLICY #: 8.2.6	DATE: 09/01/93	REVISION DATE: 06/29/98
TITLE: LABORATORY RESPONSIBILITIES & FUNCTIONS IMPLIED CONSENT DEPARTMENT		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, 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 56-1-10; S. C. Code of Laws, Section 56-1-286; S. C. Code of Laws, Section 56-5-2953; S. C. Code of Laws, Regulation 73-1; S. C. Code of Laws, Regulation 73-2; S. C. Code of Laws, Regulation 73-3

GENERAL PURPOSE: To establish the general responsibilities of the Implied Consent Department and to establish the general responsibilities of the South Carolina Law Enforcement Division as it relates to the approval and support of evidential breath alcohol testing devices and the training of those officers certified to use such equipment/methods, in compliance with state statute and regulations.

POLICY: The South Carolina Law Enforcement Division is responsible for certifying breath alcohol testing devices, test operators, and test procedures through the authority of the implied consent laws (56-5-2950, 50-21-114, 55-1-100, 56-1-286, and 56-1-2130) and Regulations 73-1 through 73-3 of the South Carolina Code of Laws, 1976, as amended. Additionally, the Division has the statutory responsibility of approving evidential breath alcohol testing devices to be used to test subjects under the authority of S. C. Code of Laws, Section 23-31-410 (use of a firearm under the influence of alcohol). The Division will consider for approval only evidential breath alcohol testing devices that first have been tested and approved for their accuracy and reliability by the National Highway Traffic and Safety Administration of the United States Department of Transportation. Currently, the only evidential breath alcohol device approved and supported by the Division is the BAC DataMaster. Other methods and/or devices may be considered for approval only after demonstration to the Implied Consent Department that such methods meet the standards as set by the Division. The Implied Consent Department is also responsible for the administration of videotaping at breath test sites pursuant to the authority granted through Section 56-5-2953, S. C. Code of Laws, 1976, as amended.

SPECIFIC PROCEDURES:

1. Pursuant to state law, the Division shall be responsible for approving such methods of performing chemical breath test analysis as are demonstrated to the satisfaction of the Division to produce accurate and reliable determinations of

alcohol concentration in a reasonable, convenient, and efficient manner.

2. The Division may accomplish part of its statutory responsibility under the implied consent laws by administratively delegating to the Criminal Justice Academy the function of training law enforcement officers who are to conduct breath alcohol tests. The Division will approve the training programs, training course of instruction, and certify the officers.

3. The supply and support for breath alcohol testing devices shall be provided by the Division through the Implied Consent Department.

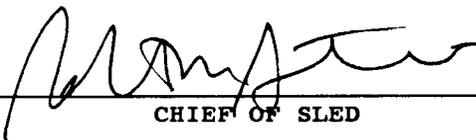
4. The procedures for obtaining and handling blood and urine samples are set forth in Chapter 73 of the S. C. Code of Laws, Regulation 73-2.1. The amount of reimbursement paid to the licensed medical facilities for obtaining and handling these samples shall be set by the Agency Director. Currently, the cost shall be set not to exceed fifteen dollars (\$15.00) per sample, per case.

5. The actual analysis of blood and urine samples for drugs and/or alcohol as set for above shall be conducted by the Toxicology Department (See 8.16).

6. Special Agents in the Implied Consent Department will be assigned cases in a manner that maximizes their efficiency and effectiveness. The Supervisor of the Implied Consent Department shall make and modify case assignments balancing the availability, requisite skills, training, experience, caseload, and court commitments of the personnel assigned to the department.

7. The Implied Consent Department shall have a Special Agent on call for emergency service or law enforcement duties at all hours extending beyond normal operating office hours.

BY ORDER OF:


CHIEF OF SLED