

## 5-08/010.15 - Breath Alcohol Test Administration

This Department uses a breath testing instrument assigned by Scientific Services Bureau for determining alcohol concentration in a suspect's breath sample.

Within limitations of available space, the breath testing instrument shall be located:

- Away from the general public;
- Away from the main flow of employee traffic;
- Outside the immediate booking area; and/or
- In a suitable environment for communications purposes.

The instruments may be located adjacent to or with other activities (fingerprinting, show-up room, etc.), provided the aforementioned criteria are met.

Only trained personnel shall operate the breath testing instrument following a precautionary checklist during the administration of a breath test. It is each Watch Sergeant's responsibility to ensure that persons operating the instruments have been properly trained. Particular attention shall be given to other law enforcement agencies desiring to use the instrument.

Scientific Services Bureau manages the breath testing instrument operator training program and provides a training course to train and certify all personnel who will be involved in administering breath alcohol tests. The course will train law enforcement personnel in the proper use of the breath testing instrument and the proper administration of a breath test on a subject. Only operator trained on the breath testing instrument are permitted to administer breath tests on the instrument pursuant to California Code of Regulations (CCR) Title 17.

The Blood-Alcohol Testing Section, Scientific Services Bureau, shall be notified before any breath-alcohol testing instrument is:

- Taken out of service for any reason (such as repair, court order, demonstration; and/or
- Malfunctioning.

When there appears to be an appreciable delay in the response for repairing the equipment, it is the Watch Sergeant's responsibility to arrange for the breath test to be administered at some other facility or have the subject agree to another chemical test (blood or urine). If details about the instrument or results of the tests are needed, the Blood Alcohol Testing Section, Scientific Services Bureau (562-940-0248) may be conducted.

The breath testing instrument is periodically tested for accuracy by Scientific Services Bureau; however, when the gas cylinder housed inside the instrument is depleted, the gas cylinder will need to be changed. It is each Station's responsibility to change the gas cylinder. Scientific Services Bureau will train selected personnel from each Station to perform this procedure.

To obtain a proper breath sample, the following rules shall be observed:

- The subject is to be informed that sufficient breath samples for two satisfactory tests are necessary;

- The subject must be continuously observed for at least fifteen (15) minutes prior to the collection of the breath sample, during which time the subject must not have ingested alcoholic beverages or other fluids, regurgitated, vomited, eaten, or smoked; and
- Deep lung air is needed.

Depending on the test results, the following procedures shall apply:

- If blood-alcohol content of .08% or higher - a complaint shall be sought;
- If blood-alcohol content of .05% through .08% - the Watch Sergeant shall observe the subject. If there are visual symptoms of intoxication, the subject should be held. However, the Watch Sergeant shall be responsible for determining whether the subject should be booked or released; and
- If blood-alcohol content is below .05% but marked symptoms of intoxication exist;
  - Have subject examined for sickness or signs of narcotic, or drug use;
  - Attempt to obtain a sample of subject's blood or urine – preferably urine if narcotics or drugs suspected; and
  - The Watch Commander shall authorize booking or release.

If a blood sample is obtained and a breath test performed, indicate the test results on the evidence envelope and specify which laboratory test is to be performed (i.e., blood-alcohol, drugs or narcotics). If a urine sample is obtained, specify which laboratory test is to be performed on the urine jar label.

Upon conclusion of the test, make the required entries in the appropriate Daily Journal (explained below). Retain the breath test reports and incorporate in the case report. Do not discard any breath test report(s). All breath test reports shall be retained by the station.

Provide the breath test report(s) and the other necessary reports to the Watch Sergeant for approval and subsequent processing to the court Deputy who is responsible for their maintenance pending court disposition.

### Inspections

Traffic Services Detail personnel shall conduct periodic inspections to ensure compliance with installation, safety, inspections, operation and training procedures.

### Maintaining Daily Journal

Each Station assigned a breath testing instrument shall maintain a bound daily journal in which the following shall be recorded:

- Tests:
  - Date and time tests performed;
  - Subject's name;
  - Charge;
  - Breath test results; and
  - Name, identification/employee number and agency of Deputy administering tests;

- Procedure inspections;
    - Date and time inspection completed; and
    - Name and employee number of Traffic Services Detail representative conducting inspection.
-