

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

8.12.6 IMPLIED CONSENT – BAC DATAMASTER STATUS CODE MESSAGES AND INSPECTIONS

POLICY #: 8.12.6	DATE: 09/01/93	REVISION DATE: 08/19/03
TITLE: IMPLIED CONSENT - BAC DATAMASTER STATUS CODE MESSAGES AND INSPECTIONS		PAGE 1 OF 3

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, Section 50-21-114
S. C. Code of Laws, Section 55-1-100
S. C. Code of Laws, Section 56-1-286
S. C. Code of Laws, Section 56-1-2130
S. C. Code of Laws, Section 56-5-2950
S. C. Code of Laws, Section 56-5-2953
S. C. Code of Regulations, Chapter 73, Article 1

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 DataMaster breath alcohol tests.

SPECIFIC PROCEDURES:

A. STATUS CODE MESSAGES

1. Any status code message occurring during the operational protocol will cause the test to abort. The instrument is programmed to eliminate any chance of an improper test. All checks, such as internal standard, simulator solution temperature, simulator solution reading, etc., will pass or the test is aborted at the point of the failed check. The evidence ticket is printed with the status denoted.
2. A simulator test, two internal standard tests, and other operational protocol steps inspect the instrument each time a subject test is performed. This inspection ensures the instrument is working properly with every subject test, regardless of any prior or subsequent status code messages. Previous or subsequent status code messages do not affect the accuracy of a completed test.
3. If the officer transports the subject to another breath testing site because of equipment or other issues, the officer will re-initiate the breath testing sequence. If necessary to comply with statutory requirements related to breath site video recording, the advisement process should be repeated at the new site.

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4. If a subject provides an acceptable breath sample and the test is aborted before completion, the subject may be required to provide another sample since aborted tests are not considered completed tests. If the test is aborted, the operational protocol should be repeated. The advisement process, checking of the mouth, time stamp, and observation period do not have to be repeated unless required by specific policy.
5. An aborted test is not considered a second breath test because a test has not been completed. If a reading is obtained for the subject sample, but a status code message then occurs and aborts the test, this test is not a valid or completed test, and the test should be repeated. The test may be repeated on either the same instrument or another instrument. If the same status code message were to occur again on the same instrument, it would again abort the test. The test operator should retain copies of all aborted tests.
6. If a status code message of "0.08% SIMULATOR FAILED" is encountered during a subject test, this condition does not indicate the simulator solution (lot or bottle) or calibration is improper. This status code message ("0.08% SIMULATOR FAILED") only indicates that the calibration check did not pass. It is not required or even suggested the bottle of simulator solution be changed or the instrument be recalibrated after one or more "0.08% SIMULATOR FAILED" status code message. The purpose of the simulator test is to verify the performance of the entire instrumental system, not the accuracy of the solution lot/bottle or calibration. Before field usage, the solutions are verified by an independent laboratory and SLED.

B. INSPECTIONS AFTER CERTIFICATION

1. A SLED certified breath test specialist will begin an inspection on every certified breath alcohol device (either remotely via computer modem or on-site) at least once every three months and issue a SLED inspection report upon completion.
2. The inspection may begin before three months has elapsed and not be completed until after the three-month period. Therefore, the time lapse between inspection reports may exceed three months.
3. No instrument may be removed from its assigned site by an agency other than SLED without receiving approval from the SLED Implied Consent Department.
4. Status code messages do not require an inspection or repair action to be undertaken. When a status code message repeatedly occurs, an inspection and/or repair may be performed. A SLED certified breath test specialist and/or manufacturer's service representative will perform all repairs of breath alcohol devices.

5. Any inspection will have at least a supervisor test (a series of a minimum of five 0.08% alcohol concentration simulator tests) or diagnostic test (an internal diagnostic routine). A supervisor and/or diagnostic test may be performed without the completion of an inspection sheet. To pass the supervisor test, the simulator solution average reading will be a 0.08% alcohol concentration (0.076% through 0.084%, inclusive), and the simulator solution temperature will be 34 degrees Celsius (C), 33.5 through 34.5, inclusive. To pass the diagnostic test, no errors or failures may appear.
6. After a repair is completed, a SLED certified breath test specialist will inspect the instrument on-site before it is placed back into service and issue an inspection sheet. However, inspections not involving repair action may be performed remotely.
7. 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 documenting the instrument is working properly. Inspection sheets do not require the signature of the SLED certified breath testing specialist, since the name is listed on the report. These sheets are maintained electronically for a minimum of five years.
8. Upgrades, deemed significant by SLED, will be added to the inspection sheet. No other documentation of upgrades or their approval is required.
9. Recalibrations are done when necessary, with this action denoted on the inspection sheet. Since calibration checks are performed during each test, no specific interval exists at which an instrument will be recalibrated.
10. 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 an inspection, repair, and/or recalibration.
11. Retrieved data will be maintained electronically for a minimum of five years. However, the accidental/unavoidable loss of data does not invalidate any tests.

BY ORDER OF:



CHIEF OF SLED