

WASHINGTON STATE Breath Test Operator Recertification

Training Outline

- ▣ Course to be presented in up to 4 hours

- ▣ Written exam – 80% to pass
 - Basic 25 questions, T/F, multiple choice, fill in

- ▣ Practical exercise – Pass/Fail
 - Must successfully run at least two scenarios on a Draeger

Draeger Operator Recertification Course

- ▣ Successfully completing this course will certify you for three years as a Draeger Alcotest 9510 operator.
- ▣ Permit card issued by the Washington State Toxicologist, either supplied by the instructor or mailed to you after successfully completing this course.

Recertification Course

- ▣ Anytime within the next three years.
 - You (or your agency) will receive one email reminder six months in advance of your expiration.
 - Four hour course, written exam, two scenarios.

- ▣ 90 day grace period after your permit card expires to attend a recertification course. However, you may not run breath tests after the expiration date.

- ▣ After the 90 day grace period, you will be required to pass a basic operator certification course (this class).

Instructional Objectives

- ▣ Recertify students in the operation of the Draeger Alcotest 9510 and PBT.
- ▣ Understand the legal aspects of evidentiary breath testing.
- ▣ Understand the purpose, principles, and operation of dry gas external standard.

Definitions

- ▣ All reference to 'Draeger' in this training presentation refer to the Draeger Alcotest 9510 breath testing instrument.
- ▣ All reference to 'PBT' (Preliminary Breath Test Instrument) in this training presentation includes both the Alcosensor III and the Alcosensor FST model PBTs.

Chemical Tests in Washington

- ▣ Breath or Blood tests only are recognized by the courts.
- ▣ Basic scientific foundation and testing.

Blood

- ▣ Samples can only be taken under specific conditions.
- ▣ Results are not available immediately.
- ▣ Sample collection is more invasive than breath.
- ▣ Sample collection requires advanced training.

Breath

- ▣ Breath is the preferred and accepted method of testing for alcohol.
- ▣ It is readily adaptable to field use.
- ▣ Results are immediate.
- ▣ Sample taking is minimally invasive.
- ▣ Breath test instruments are suitable for field use.

Breath Test Instruments

- ▣ Minimize the need for operator involvement in the analysis.
- ▣ Minimizes operator bias or errors.
- ▣ Ensures adherence to protocol.
- ▣ Makes automatic safeguards against conditions that could be missed by humans.
- ▣ Allows data collection to evaluate DUI enforcement efforts.

Physiology of Alcohol

- ▣ Three most common types of alcohol:
 - Methanol (wood grain alcohol)
 - Isopropanol (rubbing alcohol)
 - Ethanol (primarily consumed by humans)

- ▣ Generally 'alcohol' refers to ethanol

Ethanol

- ▣ Central Nervous System depressant
- ▣ Mixes readily with water
- ▣ Impairment is caused by alcohol's effect on brain and central nervous system

Gastrointestinal Tract

- ▣ Stomach absorbs 20% of alcohol.
- ▣ The small intestine has a greater surface area than stomach and may absorb 80% of alcohol.
- ▣ Stomach contents will affect absorption *rate*.
- ▣ Alcohol is not changed chemically before being absorbed.

Circulatory System

- ▣ Once absorbed, alcohol enters the circulatory system.
- ▣ From stomach/intestines to the liver, where it's metabolized - not all at once.
- ▣ Excess alcohol is carried from the liver to the heart and then the rest of the body/lungs.

Circulatory System

- ▣ Alcohol equilibrates with any water encountered.
- ▣ In the lungs some of the alcohol in the blood evaporates and enters the air that is exhaled.
- ▣ Henry's Law – At a *constant* temperature, the amount of a given gas dissolved in a given type and volume of liquid is directly proportional to the partial pressure of that gas in equilibrium with that liquid.

Circulatory System

- ▣ When alcohol is being absorbed more quickly than it's being metabolized (burned off) it's concentration in the blood increases.

Legal Aspects

- ▣ DUI law applies to public and private roadways open to the public, RCW 46.61.005
- ▣ “Vehicle” defined by RCW 46.04.670
- ▣ “Mopeds” and “bicycles” not included: City of Montesano v Wells (1995) - defendant could not be prosecuted under the statute proscribing driving under the influence of intoxicating liquor or any drug for riding a bicycle in an inebriated state

DUI Statute RCW 46.61.502

- ▣ A person is guilty of DUI of intoxicating liquor, marijuana, or any drug if they drive a vehicle within WA and within 2 hours after driving:
 - .08g/210L or higher
 - THC 5ng
 - Under the influence of or affected by
 - Under the combined influence/affected by intoxicating liquor, marijuana, and any drug

Felony DUI

RCW 46.61.502 (6)

- ▣ It is a class B Felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, or if:
 - Person has three or more prior offenses within ten years as defined in RCW 46.62.5055; or
 - Person has ever been convicted of:
 - Vehicular Homicide
 - Vehicular Assault
- ▣ An out-of-state offense comparable to Vehicular Homicide or Vehicular Assault

Driver Under Twenty-One

RCW 46.61.503

- ▣ Person is under 21
- ▣ Has **within two hours** after operating or being in physical control of a motor vehicle has an alcohol concentration of at least **0.020 but less than 0.080**; and/or
- ▣ THC concentration above 0.00 but less than concentration specified in RCW 46.61.502
- ▣ Evidence gathered after the two hour window can be used to establish the use of those intoxicants.

- ▣ Arrest for driver under twenty-one consuming alcohol or marijuana:
 - If at or above 0.08 charge RCW 46.61.502; and/or
 - Is under the influence of or affected by intoxicating liquor, marijuana, or any drug

- ▣ Penalty is a misdemeanor

Physical Control

RCW 46.61.504

A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

- ▣ And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by an analysis of the person's breath or blood made under RCW 46.61.506; or
- ▣ The person has, within two hours after being in actual control of a vehicle, a THC concentration of 5 ng or higher as shown by analysis of the person's blood made under RCW 46.61.506; or
- ▣ While the person is under the influence of or affected by intoxicating liquor or any drug; or
- ▣ While the person is under the combined influence of or affected by intoxicating liquor and any drug.
- ▣ Penalty is a gross misdemeanor.

Safely Off the Roadway

- ▣ A factual issue to be proved by the defense and decided by the jury and not by the judge in pre-trial motions
- ▣ *Edmonds v Ostby* 48 Wn. App. 867 (1987).

Evidential Tests

RCW 46.61.506

- ▣ A reading less than .080 or a THC concentration less than 5ng may be considered with other evidence for determining if under the influence
- ▣ Breath based upon g/210L
 - Blood analysis for THC is based upon nanograms per milliliter of whole blood
- ▣ Testing methods approved by the State Toxicologist
- ▣ Person has the right to additional tests

Admissibility

- ▣ Breath testing methods are approved by State Toxicologist.
- ▣ Officers must be issued a valid permit.
- ▣ Blood samples may only be obtained by:
 - a physician;
 - an osteopathic physician;
 - a registered nurse, licensed practical nurse, or advanced registered nurse practitioner;
 - a physician assistant or osteopathic physician assistant;
 - an advanced emergency medical technician or paramedic;
 - a medical assistant-certified or medical assistant-phlebotomist, a person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws;
 - or a forensic phlebotomist.

Uniform Commercial Drivers Act

RCW 46.25.110

- ❑ Notwithstanding any other provision of Title 46 RCW, any person may not drive, operate, or be in physical control of a commercial motor vehicle while having alcohol or THC in their system.
- ❑ Issue out of service order valid for 24 hours, per 49 CFR 392.5.
- ❑ If 0.04 or more, any measurable amount of THC concentration, or refusal of the test, their CDL will be disqualified. Submit paperwork to DOL .
- ❑ Submit case to the court whenever any measureable amount of alcohol or THC are detected.
- ❑ Penalty is a gross misdemeanor.

If impairment detected, or 0.08, or 5ng then also charge with RCW 46.61.502.

Mandatory Booking

RCW 10.31.100

- ❑ Defendant must be booked into jail under RCW 10.31.100.
- ❑ Must have probable cause person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance.
- ❑ Confirm the arrested subject has a qualifying prior offense (conviction) within 10 years in accordance to RCW 46.61.5055.
- ❑ Has knowledge, based upon the review of the information available to the officer at the time of arrest, that the person is charged with or awaiting arraignment for an offense that would qualify as a prior offense a defined in RCW 46.61.5055.

Confirmation

- ▣ Review 10 year abstract of driver's record and III (Communications can assist with information)
- ▣ No longer mandatory arrest and detention requirement when arrestee requires medical treatment and cannot be medically cleared for booking.

Prior Offenses:

- ▣ DUI
- ▣ Physical Control
- ▣ Vehicular Homicide while under the influence
- ▣ Vehicular Assault while under the influence
- ▣ Charge of Vehicular Homicide, Vehicular Assault, DUI or Physical Control that was reduced to Negligent Driving – First degree, Reckless Driving, Reckless Endangerment
- ▣ An out of state conviction of a violation of above that would have been a violation if committed in this state
- ▣ Deferred prosecution for any of the above listed violations

Children in Vehicle

- ▣ Advise communications of the presence of child(ren), under 16, along with their names/DOB.
- ▣ Follow local guidelines regarding contacting Child Protective Service (CPS).
- ▣ Document their presence and condition in your report.

Drug Impaired Driver

- ▣ No alcohol involved, or impairment is inconsistent with alcohol level
 - Follow your department guidelines, DRE process, and seek to obtain a blood sample.

Public Access

- ▣ Driveways and parking lot are accessible to public roadways
- ▣ *State v. Day*, 96 Wn.2d 646, 638 P.2d 546 (1981), – intoxicated driver could not be arrested for DUI when driver was in private field and public could not reasonably be at risk.

Right to Attorney

- ▣ Subject has the right to an attorney before the breath tests
 - Law does not require that the police discontinue their investigation because a criminal defendant is unable to contact an attorney. *Seattle v Wakenight* 24 Wn. App. 48, 599 P.2d 5 (1979)

- ▣ Right to private conversation
 - Granting increased privacy may depend on a number of factors such as the unique security and safety problems presented by a particularly uncooperative, intoxicated defendant. *Seattle v Koch* 53 Wn. App. 352, 767 P.2d 143 (1989)

Need not jeopardize officer safety

Right to Attorney

- ▣ After permitting a defendant to call an attorney, there is no requirement to delay routine processing and wait for an attorney to arrive personally at the scene. *City of Seattle v. Box*, 29 Wn.App. 109, 627 P.2d 584 (1981) & *State v. Staeheli*, 102 Wn.2d 305, 309-10, 685 P.2d 591 (1984)
- ▣ No right to delay chemical testing when no attorney could be contacted for advice. *State v. Staeheli*, 102 Wn.2d 305, 309-10, 685 P.2d 591 (1984)

Presence of Attorney Not Required

- ▣ Police may not, without reasonable justification, prevent an attorney from making personal contact with a defendant. *City of Seattle v. Box*, 29 Wn.App. 109, 627 P.2d 584 (1981)
- ▣ A defendant arrested for DUI has no right to have an attorney physically present when he or she takes a breath test; access by telephone is sufficient. *City of Bellevue v. Ohlson*, 60 Wn.App. 485, 803 P.2d 1346 (1991).

Request for Additional Tests

- ▣ If the subject is to be detained and asks for additional tests refer to local court rules for transportation guidelines.
 - State v McNichols 906 P.2d 329 (1995)
 - Failure to obtain an additional test shall not preclude the admission of evidence, RCW 46.61.506.
 - If the person is to be released in a timely manner they may obtain their own test.

Instrument Error

- ▣ A sample blown into a defective instrument does not relieve the subject of the requirement to give a full test at another instrument (subject is required to provide two valid samples on the same instrument).
 - *State v. Brokman*, 84 Wn. App. 848 (1997) - DUI suspect advised of ICWs, gave consent, BAC malfunctions. Suspect transported to another location and, without re-advising, obtain breath samples. Held: until samples are obtained, police are authorized to transport without re-advising.

Refusals

- ▣ Once refused no further testing by the officer needs to be done.
- ▣ *DOL v. Lax*, 125 Wn.2d 818 (1995)– Once defendant exhibits a positive unwillingness to perform a blood test, a subsequent agreement to take the test does not negate the refusal for license revocation purposes.

Refusals

- ▣ The officer determines if a good faith attempt to provide a sample was made or if it is a refusal.
- ▣ If in doubt about the sample acceptance of an instrument the officer may run a self test.

Refusals

- ▣ If one of the two samples required to get a printout is refused, it is a refusal.
 - *Sunnyside v. Sanchez*, 84 Wn. App. 848 (1990) - An operator who cannot get two sequential samples on one device may require subject to provide samples for new test until a valid test occurs, according to methods approved by state toxicologist.

Implied Consent

RCW 46.20.308

- ▣ Any person who operates a motor vehicle in the state is deemed to have given consent to test breath/blood for alcohol concentration, THC concentration, or the presence of any drug
- ▣ Neither consent nor this section precludes an officer from obtaining a search warrant for the person's breath or blood

ICW Elements

1. Driving or Physical Control of a motor vehicle within Washington state
2. Probable cause under the influence
3. Lawful arrest
4. Implied Consent Warning for breath read
 - Refusal may be used in a criminal trial
 - Revoked if over 21 and 0.08 or more or 5ng THC or more
 - Revoked if under 21 and 0.02 or more or 0ng THC or more
 - May be eligible to immediately apply for IID license
 - Right to additional tests administered by any qualified person

Implied Consent Warnings

- ▣ Reading the warning 3 times is sufficient.
- ▣ Must be read in a language the person understands.
- ▣ Document if the subject expresses confusion.
- ▣ For Commercial Motor Vehicle Driver, read additional CMV warnings.
- ▣ Do not interpret the warnings for defendant.

Commercial Motor Vehicles

RCW 46.25.120

- ▣ Officer shall warn person that a refusal to submit to a test will result in that person being disqualified from operating a commercial motor vehicle under RCW 46.25.090.
- ▣ Go through the complete Implied Consent Warnings - plus the commercial vehicle warnings.
- ▣ An officer shall submit a sworn report to DOL if the person refuses testing, submits to a test that indicates an alcohol concentration of 0.04 or more, or has any measurable amount of THC.

DOL Administrative Hearings

- ▣ A civil proceeding - preponderance of the evidence
- ▣ Usually over the phone
- ▣ Based on officer's sworn report
- ▣ No prosecutor
- ▣ Hearing officer may issue subpoenas
- ▣ Fax/email a copy of your breath test document with arrest report(s) **within 72 hours**.
- ▣ 7 days to request a hearing, \$375
- ▣ Hearing within **30** days (excluding Saturdays, Sundays, Legal holidays) of arrest or issuance
- ❖ **DOL requests a sworn narrative from ALL officers involved in the breath testing process**

DOL Paperwork

- ▣ If ≥ 0.08 , ≥ 0.02 minors, ≥ 0.04 CDL, & refusals
- ▣ Serve the 'Request for DUI hearing' notice
- ▣ **Within 72 hours** send copy of report to SwornReports@DOL.wa.gov; or fax to 360-570-7026
- ▣ 7 days to request a hearing, \$375
- ▣ Not necessary to read form to subject
- ▣ Blood – sign & send report when receive results (DOL will send the notice of right to hearing to the defendant).

Considerations for Obtaining Blood Samples

- ▣ If an individual is unconscious or
- ▣ Under arrest for the crime of felony DUI or
- ▣ Felony physical control or
- ▣ Vehicular Homicide or
- ▣ Vehicular Assault or
- ▣ Involved in a collision where there is serious bodily injury to another
- ▣ Language barrier
- ▣ Driver is being treated at a hospital with no breath test instrument available and will not be released in time for transport to an instrument.
- ▣ A blood test may be administered without the consent of the individual, pursuant to a *search warrant* a valid waiver of the warrant or when exigent circumstances exist

DUI Arrest Report

- ▣ Search Warrant: Read warrant and notice from DUI Arrest Report to subject.
- ▣ Exigency: Establish exigency and read notice from DUI Arrest Report to subject.

DUI Arrest Report

- ▣ Do NOT read the voluntary blood draw consent section if using exigency or a search warrant.
- ▣ Complete the Voluntary Blood Draw Consent Form from the DUI Arrest Report when utilizing consent.
- ▣ Consider obtaining a warrant for **TESTING** the blood if the sample is obtained using consent or exigency.

Exigent Circumstances

- ▣ US Supreme Court - *Missouri v. McNeely*, 133 S. Ct. 1552, 185 L.Ed.2d 696 (2013)
- ▣ Natural dissipation of alcohol in the blood stream “alone” is insufficient to establish an exigency to justify a warrantless search for blood
- ▣ Exigency for a blood draw must be determined based on the totality of the circumstances

Probable Cause

- ▣ When taking blood at a hospital you must have probable cause leading to a search warrant.
 - Observations at the scene
 - Relay from communications
 - Reliable informant
 - Personal observations
 - Be sure to read Constitutional Rights

Interference Detected

- ▣ Subject will be required to repeat the test
- ▣ A subject whose breath registers the presence of interference on 2 or more successive breaths shall be deemed to have a physical limitation rendering them incapable of providing a valid breath sample
- ▣ Officer may apply for search warrant for blood

Blood Draws

- ▣ Must be drawn by doctor, nurse, EMT or qualified technician
- ▣ Officer should be a witness
- ▣ Must be in grey top tube
 - Check expiration date on tube
 - White anti-coagulant powder in tube
 - Record evidence information
 - Use only State Toxicologist approved blood evidence mailing kits
 - Meets postal regulations
 - Does not need to be refrigerated
- ▣ Hospital analysis is not approved by the Toxicologist
- ▣ Be sure to document the credentials of the person drawing the blood. Obtain name of supervisor and company name of lab tech.

Voluntary Blood

- ❑ Read or have subject read voluntary consent section
- ❑ Officer signature required along with date, time on designated line
- ❑ Consenter signature required along with date, time on designated line
- ❑ Approved health care professional title, name, signature, date, and time indicated on designated line
- ❑ Distribution and copy process followed for warrant documentation

DUI Arrest Reports

- ▣ Constitutional Rights
 - If subject is unconscious still must be read
 - Consider using a translator if needed

- ▣ Implied Consent Warning for Breath
 - Check appropriate statute box for why subject is under arrest
 - Officer sign on “Officer’s Signature” line, indicate date, time, and location
 - Subject sign, indicate refused to sign, or unable to sign.
 - Indicate yes/no box if they’re willing to submit to a breath test
 - If subject confused, **write an explanation**
 - Check box(es) indicating officer had a **valid permit**
 - Check **mouth-check** related boxes

DUI Interview

Interview Form

- ▣ First and last drink times
- ▣ Note all answers and statements
- ▣ Note if invokes rights
- ▣ Observations
 - Be specific for subject arrested, don't generalize

Obtain and enter specific drinking location

DUI form

Pre-Arrest Observations

Sobriety Tests

Narrative

Administrative

Draeger Technology

- ▣ Uses dual technologies:
 - Infrared
 - Electrochemical (fuel cell)

- ▣ Provides a printed breath test document

- ▣ Results expressed in grams of alcohol per 210 Liters of breath (g/210 L)

Draeger Alcotest 9510

The Draeger Alcotest 9510 breath test system includes:

- Main evidential instrument
- Attached dry gas enclosure
- Dry gas cylinders
- External laser jet printer
- BAC card scanner

The touch screen displays:

- Time and date
- Pressure of both dry gas cylinders
- Serial number of instrument
- Reprint option



(Always leave the instrument on - if the instrument needs to be switched off, contact a technician for instructions)

Breath Tube and Mouthpieces

- Heated and temperature controlled breath tube (warm/hot to the touch).
- Use only provided plastic mouthpieces with moisture baffles.
- Mouthpiece should only be in breath tube when a sample is being taken.
- Use the plastic bag to handle the mouthpiece and prevent diseases.
- Open the bag carefully to leave the mouthpiece ports clear.
- Use a new mouthpiece for each sample.



Printer

The instrument has two printers.

- External laser printer will print two copies of the breath test document when completed.
- Internal thermal printer is not used for evidentiary tests.

Operator will be able to reprint an evidentiary document up to 90 days after the breath test.



Touch Screen & Keyboard

Keyboard

- External keyboard is connected via a USB port.

Touch Screen

- The touch screen is used for display selections.
- May use finger or stylus.
- **DO NOT** use a Pen or Handcuff Key!

External Standard

- Two ethanol-nitrogen dry gas cylinders located in the enclosure attached to the rear of the instrument.
- Checks the accuracy of the instrument.
- When the operating cylinder reaches a predetermined level, the instrument will automatically switch to the second cylinder and notify WSP.
- Operator does not need to check the temperature of the external standard.



Principles of Operation

- The Draeger uses dual technologies to detect and measure breath alcohol.
- Infrared spectroscopy (IR)
- Electrochemical cell (EC) technology - similar to PBTs
 - More commonly known as fuel cell

Infrared Spectroscopy

- The Draeger measures the infrared light through an empty sample chamber.
- It then measures infrared light transmitted through the breath sample.
- The difference is used to calculate the concentration of ethanol in the chamber.
 - **Beer-Lambert Law**



Fuel Cell

- The fuel cell is located on top of the sample chamber.
- Immediately following the IR test, the fuel cell pulls a small amount of exhaled breath out of the IR chamber and performs a separate test on the same sample.
- The fuel cell is specific for alcohol.
- The combined use of a fuel cell and infrared spectroscopy makes it virtually impossible for an interfering substance, such as acetone, to influence the subject's ethanol reading.

Internal Diagnostics

The sample chamber is shielded from RFI (Radio Frequency Interference).

While operating, the Draeger instrument performs 128 diagnostic tests per second. If there is any discrepancy, a message will appear on the display and the instrument will not proceed with a test.

Error messages may include:

- Disabled – call WSP
- Cal Gas Supply – call WSP
- Memory Full – call WSP

Internal & External Standards

Accuracy is automatically checked twice during the complete breath test:

- The internal standard at the beginning of the test series,
- The external standard (dry gas) between subject breath samples.

Results are displayed on screen at the appropriate time during the test.

- Internal standard result must be “verified”.
- External standard results must be 0.072 to 0.088, inclusive.

If the results are not within the required values the test will abort.

Breath Samples

- 15 minute observation period
- End expiratory breath
- Coaching while they exhale; monitor the display on the instrument
- “Blow steadily into the mouthpiece 10 to 15 seconds. I will tell you when to stop”
- Good samples can be achieved by instructing the person on how to provide a sample
- “Blowing Not Allowed” – message will display if instrument is not ready

Good Faith Effort??

- Condensation in mouthpiece
- Audible tone from instrument
- Air flow through breath tube
- Graphs on screen

Sample Acceptance

Sample results are analyzed to show that they are consistent with a certified and reliable breath test.

- The two breath samples must be within $\pm 10\%$ of the mean of all four tests – two EC and two IR (the instrument will do the calculations for you)
- “Samples Outside 10%” will be displayed if the samples don’t fall within 10% of the mean.
 - Test will abort
 - Run test again
 - Provide clear instructions

Sample Discrepancies

- Breaths too deep or too shallow
- Length of exhalation
- Inconsistent coaching (**remember good coaching will result in similar sample results**)

INVALID Sample

- The test will abort
- Invalid Sample is recorded on the database
- The operator **MUST** complete a new mouth check and begin a new 15 minute observation period and run the test again.
 - Vomiting
 - Unable to maintain observation
 - Subject puts something in mouth

Pre-test Period

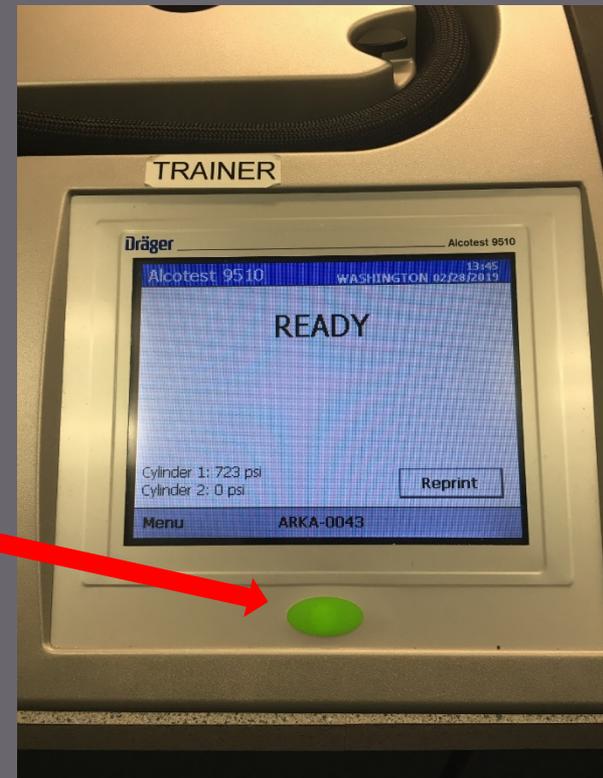
- Check the status of the instrument:
 - If screen is dark, **tap the screen or green button** to refresh the screen image.
 - If the “Ready” prompt is visible, no action is required until ready to start the test.
 - If the “Standby” prompt is visible, press the green start button to initiate the instrument warm up cycle.
 - Warming up from “Standby” typically takes 5-10 minutes.

- Prior to starting the test be sure to check the breath tube:
 - It should be warm or hot to the touch.
 - If it is cold, advise WSP Communications Center and go to a different instrument.

Instrument Operation

When the observation period is complete and the display prompts “Ready”, press the **green start button**.

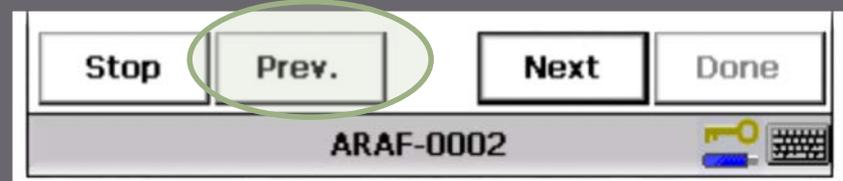
The instrument will conduct dry gas pressure and diagnostic checks. It will then prompt for data entry.



Instrument Operation

If using the keyboard, press the enter key after each data entry or use Tab on the keyboard to move through the buttons and highlight Next, then Enter.

When using the touch screen, tap Next on the screen to advance to the next question.



To make corrections:

- Using the touch screen, double click on the screen and re-enter data.
- Using the keyboard, use the arrows on the lower right hand side to highlight the item to be corrected, re-enter data.

Data Entry

Observation Time

- Enter the time you started the 15 minute observation period. **Ensure 15 minute observation period is adhered to.**
- Use 24 hour time.
- Tap “SUMMARY” on the screen or “Enter” on the keyboard

Alcotest 9510 TRAINING 11/14/2014 08:13

Observation Start Time

Stop Prev. **Summary** Done

ARAF-0002

This screenshot shows the 'Observation Start Time' input field on the Alcotest 9510 interface. The time is currently set to 'HH:MM'. The 'Summary' button is highlighted with a green circle. The interface also shows a status bar at the top with 'Alcotest 9510', 'TRAINING 11/14/2014', and '08:13'. At the bottom, there is a navigation bar with 'Stop', 'Prev.', 'Summary', and 'Done' buttons, and a footer with 'ARAF-0002' and a keyboard icon.

Alcotest 9510 TRAINING 11/14/2014 08:14

Operator Observed Subject Entire Time YES NO

Stop Prev. Next Done

ARAF-0002

This screenshot shows the 'Operator Observed Subject Entire Time' selection screen on the Alcotest 9510 interface. The 'YES' radio button is selected. The interface also shows a status bar at the top with 'Alcotest 9510', 'TRAINING 11/14/2014', and '08:14'. At the bottom, there is a navigation bar with 'Stop', 'Prev.', 'Next', and 'Done' buttons, and a footer with 'ARAF-0002' and a keyboard icon.

Data Entry

Subject Smoke, Vomit, Put Anything in Mouth?

- Yes – test will abort
- No – Enter/Next



A screenshot of the Alcotest 9510 interface. The top bar is blue with white text: "Alcotest 9510" on the left, "TRAINING 11/14/2014" in the center, and "08:14" on the right. Below the bar, the question "Subject Smoke, Vomit, Put Anything in Mouth?" is displayed in blue. To the right of the question are two radio buttons: the first is selected and labeled "YES", and the second is unselected and labeled "NO".

Citation/Case Number

- Enter data
- Any combination of letters/numbers (up to 15 characters)
- If no citation, enter NONE, PENDING, or SECTOR
- Cannot leave blank
- Enter/Next



A screenshot of the Alcotest 9510 interface. The top bar is blue with white text: "Alcotest 9510" on the left, "TRAINING 11/14/2014" in the center, and "08:15" on the right. Below the bar, the label "Citation/Case Number" is displayed in blue. To the right of the label is a white rectangular text input field with a black border.

Data Entry

County of Arrest

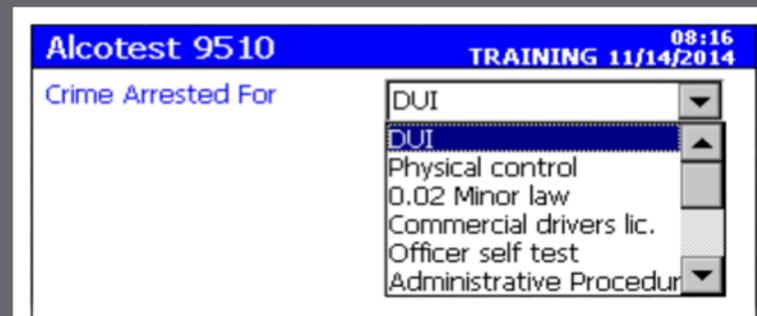
- Enter first letter of county and then select from list.



The screenshot shows the Alcotest 9510 interface. At the top, it displays "Alcotest 9510" and "TRAINING 11/14/2014" with a time of "08:16". Below this, the label "County of Arrest" is visible. A dropdown menu is open, showing a list of counties: SNOHOMISH, SPOKANE, STEVENS, THURSTON, WAHIAKUM, and WALLA WALLA. The "SNOHOMISH" option is currently selected and highlighted in blue.

Crime Arrested For

- Using the arrows on keyboard or drop down menu on screen, select appropriate crime.
- Select Enter/Next



The screenshot shows the Alcotest 9510 interface. At the top, it displays "Alcotest 9510" and "TRAINING 11/14/2014" with a time of "08:16". Below this, the label "Crime Arrested For" is visible. A dropdown menu is open, showing a list of crimes: DUI, Physical control, 0.02 Minor law, Commercial drivers lic., Officer self test, and Administrative Procedur. The "DUI" option is currently selected and highlighted in blue.

Data Entry

Collision Involved

- Keyboard – Select “Y” or “N”, Enter/Next
- Touch Screen – Tap “Yes” or “No”, Enter/Next



The screenshot shows the Alcotest 9510 training interface. At the top, it displays 'Alcotest 9510' and 'TRAINING 11/14/2014' with a time of '08:16'. The main question is 'Collision Involved', followed by two radio button options: 'YES' (unselected) and 'NO' (selected). Below the question are four buttons: 'Stop', 'Prev.', 'Next', and 'Done'. At the bottom, there is a status bar with 'ARAF-0002' and icons for a key and a keyboard.

Data Entry

Subject Drinking at Specific Drinking Establishment

- If subject gives any answer other than a licensed drinking establishment select “No” Enter/Next.
 - A list of generic locations will then be required.

Alcotest 9510 08:17
TRAINING 11/14/2014

Subject drinking at specific drinking establishment YES NO

Stop Prev. Next Done

ARAF-0002

Alcotest 9510 09:17
WASHINGTON 11/14/2014

Select appropriate drinking location

Refused
Refused
Refuses to give info
Unknown
Banquet/formal party
Club-Elks, Moose, etc
Comm non pass

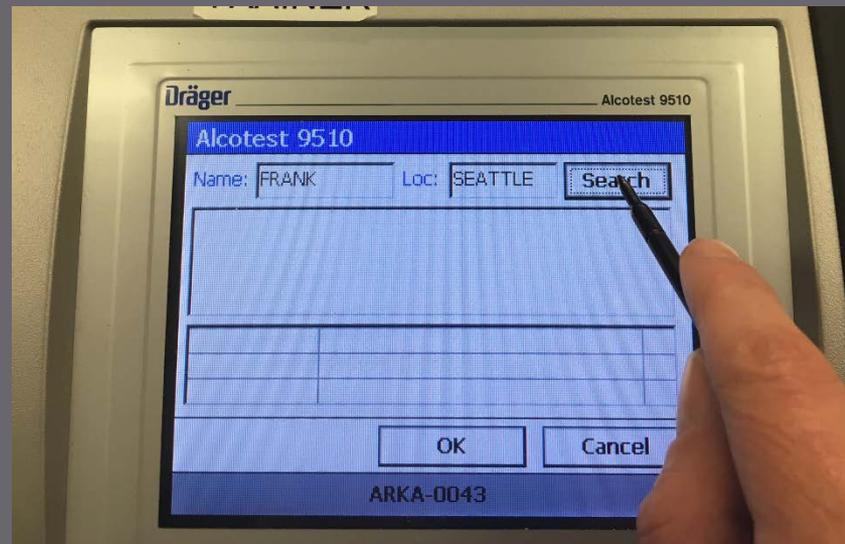
Stop Prev. Next Done

ARAF-0002

Data Entry

Subject Drinking at **Specific Drinking** Establishment

- If subject provides the name of a licensed drinking location, select “Yes” or “Y” and Enter/Next.
 - Using Touch Screen, tap “Database”.
 - Using Keyboard tab to Database
 - Don't use the blank space to enter establishment name



Data Entry

PBT Given?

- No, Enter Summary
- Yes Enter/Next

Alcotest 9510	WASHINGTON	09:18
PBT Given	<input checked="" type="radio"/> YES	<input type="radio"/> NO

PBT Time

- Use 24 hour time
- Enter/Next

Alcotest 9510	WASHINGTON	09:18
PBT Time	<input type="text" value="HH:MM"/>	

PBT Result

- Type decimal and 3 digit result
- Enter, Summary

Alcotest 9510	WASHINGTON	09:18
PBT Result	<input type="text" value=".088"/>	



Data Entry Summary

- Must scroll through entire list before continuing with data entry; use touch screen or keyboard arrows.
- This is the only opportunity to correct the data just entered.
- To make corrections, double tap on the information that needs correcting.
- Make correction. Enter/Next
- If the information is corrected, tap SAVE or tab to SAVE/Enter.

Alcotest 9510 WASHINGTON 11/14/2014 09:19

Operator Observed Subject Entire Time	YES
Subject Smoke, Vomit, Put Anything in Mout	NO
Citation/Case Number	1234
County of Arrest	SAN JUAN

Stop Save

ARAF-0002

Operator Card

Scan Operator Card

- If “Yes” Enter/Next is selected the operator will be prompted to scan their permit card. The officer’s data will then be entered into the database. Use Enter/Next to verify operator’s expiration date and name.
 - If the operator’s permit card is expired, the instrument will not allow the test to continue.
 - If card does not scan properly, test will abort.

Summary

- Review, Correct, Save



Alcotest 9510 WASHINGTON 11/14/2014 09:43
Scan Operator Card YES NO



Alcotest 9510 WASHINGTON 11/14/2014 09:43
Scan Operator Card YES NO
Information
Please Scan Operator Card
Cancel
S e
ARAF-0002



Alcotest 9510 WASHINGTON 11/14/2014 09:45
Operator Certification Expiration Date 09/25/2015

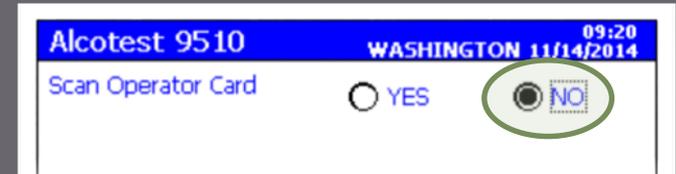


Alcotest 9510 WASHINGTON 11/14/2014 09:45
Operator Last Name DENTON

Operator Card

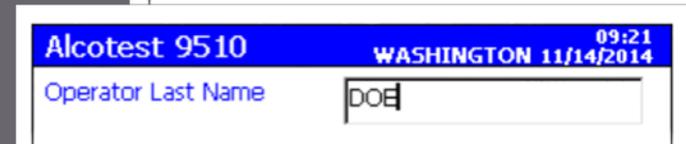
Scan Operator Card

- If “No” is selected enter data using touch screen or keyboard.
 - Operator last name – Enter/Next
 - Operator first name – Enter/Next
 - Operator middle initial – Enter/Next
 - Operator agency code – Enter/Next



Alcotest 9510 WASHINGTON 11/14/2014 09:20

Scan Operator Card YES NO



Alcotest 9510 WASHINGTON 11/14/2014 09:21

Operator Last Name



Alcotest 9510 WASHINGTON 11/14/2014 09:21

Operator Agency Code

Summary

- Review, Correct, Save

Data Entry

Subject Ethnic Group

- Drop Down Menu
- Touch screen, scroll to desired group, Enter/Next
- Keyboard, use arrow keys to highlight desired group, Enter/Next



The screenshot displays the Alcotest 9510 interface. At the top, the device name "Alcotest 9510" and location "WASHINGTON" are shown, along with the time "09:22" and date "11/14/2014". The main screen area is titled "Subject Ethnic Group" and features a dropdown menu with the following options: WHITE (highlighted), BLACK, AFRICAN AMERICAN, ASIAN, EAST INDIAN, and NATIVE AMERICAN. Below the menu are four buttons: "Stop", "Prev.", "Next", and "Done". At the bottom of the screen, the identifier "ARAF-0002" is displayed next to a keyboard icon.

Data Entry

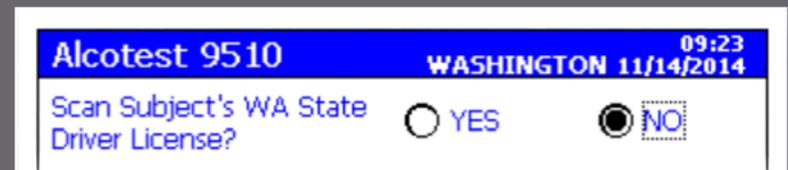
Subject Driver License

- Drop Down Menu
 - Touch screen scroll to desired state Enter/Next
 - Keyboard, use arrows to scroll to desired state Enter/Next
- If Washington is selected
 - Scan Subject's WA State Driver License?
 - Yes – Prompt to scan, scan license, Summary
 - No – Prompt for subject's information



Alcotest 9510 WASHINGTON 11/14/2014 09:23

Subject Driver License State WASHINGTON



Alcotest 9510 WASHINGTON 11/14/2014 09:23

Scan Subject's WA State Driver License? YES NO

Data Entry

Subject's Driver License Cont.

- If any selection other than Washington is selected, the instrument will prompt for the following entries:
 - Subject last name – Enter/Next
 - Subject first name – Enter/Next
 - Subject middle initial – Enter/Next
 - Subject date of birth – Enter/Next
 - Subject gender – Enter/Next
 - Subject's driver license number – Enter/Next

Alcotest 9510 WASHINGTON 11/14/2014 09:24
Subject Date of Birth MM/DD/YYYY

Alcotest 9510 WASHINGTON 11/14/2014 09:25
Subject Driver License Number DOE**JS124N4

Alcotest 9510 WASHINGTON 11/14/2014 09:25

Subject Ethnic Group
WHITE

Subject Driver License State
WASHINGTON

Scan Subject's WA State Driver License?
NO

Subject Last Name
DOE

Subject First Name

Stop Save

ARAF-0002

Summary

- Review, Correct, Save

Ambient Air Check

Air is drawn through the breath tube to flush the sample chamber. If the purge is unsuccessful, there are two possible messages:

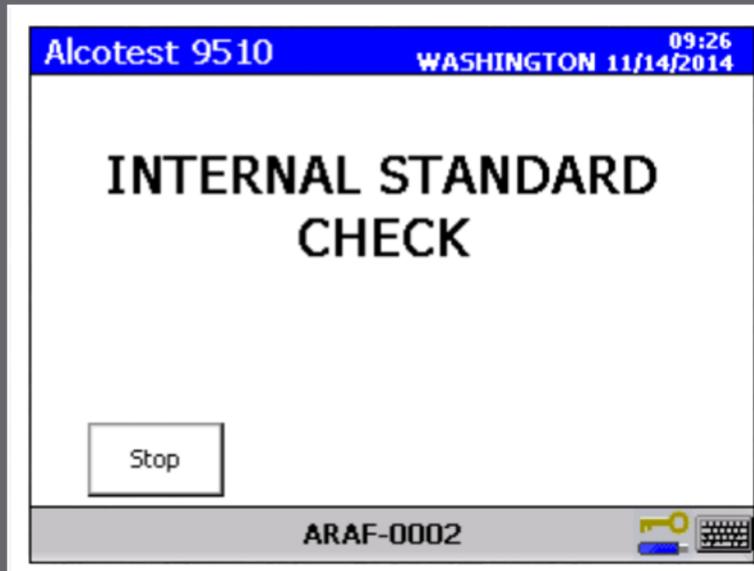
- Ambient Fail
 - Following an ambient fail, the instrument will time out for one minute.
- Blank Error

When either message occurs, ensure that the ambient air is free of alcohol vapors.



Internal Standard Check

- If satisfactory, instrument will indicate “Internal Standard Verified”.
- If the check is unsuccessful, instrument will indicate “Diagnostic Check Failed”.

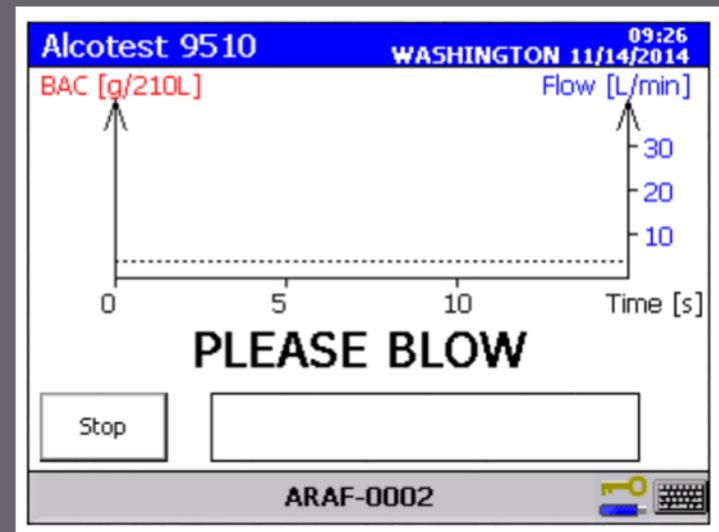


First Subject Sample

“Please Blow”

- Place a new mouthpiece in breath tube.
- The flow rate and volume bar will be displayed.
- If sample is insufficient, the instrument will display “Take Breath” and return to “Please Blow”.
- Will time out after **2 minutes** if unable to meet parameters
- If sample is sufficient, the instrument will prompt:
 - Stop
 - Remove Mouthpiece

- Will display message if subject blows at wrong time or inhales

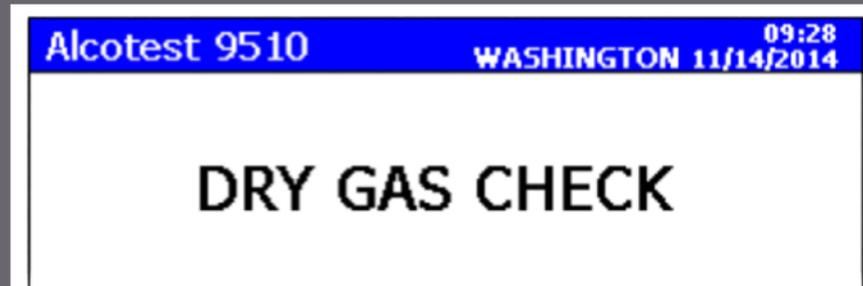


External Standard

Instrument will again Purge, Blank Check, and Ambient Air Check. The second of four.

External Standard Check (*Dry Gas Check*)

- A sample is taken from one of the two dry gas cylinders in the enclosure behind the instrument.

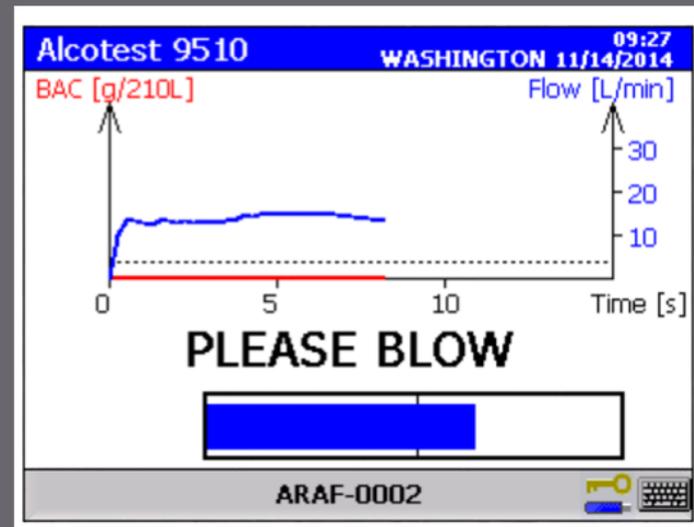


Instrument will again Purge, Blank Check, and Ambient Air Check. The third of four.

Second Subject Sample

Second “Please Blow”

- Place a new mouthpiece in breath tube.
- The flow rate and volume bar will be displayed.
- If sample is insufficient, the instrument will display “Take Breath” and return to “Please Blow”.
- If sample is sufficient, the instrument will prompt:
 - Stop
 - Remove Mouthpiece



Completed Test

Fourth and final Purge, Blank Check and Ambient Air Check

Printout Complete?

- Yes and Retry will be on the display

Wait for the instrument to print two breath test documents out on the external printer.

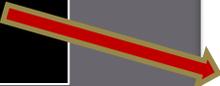
If printout fails, check printer for errors. If printer still fails to print, tag out of service and contact WSP Communications Center.

The breath test results will be available for 90 days.

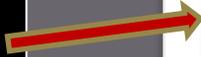
New Breath Test Document

Breath volume and blow time displayed.

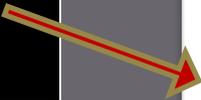
Operator and subject data.



Two results per sample.



Certification and Officer Signature.



**WASHINGTON STATE PATROL
EVIDENTIARY SUBJECT TEST**
ALCOTEST 9510 SERIAL NUMBER ARAH-0094
SOFTWARE VERSION 8322798 0.7
CONFIGURATION VERSION 8322796 2.3
DATE OF LAST QAP: 09/09/2014

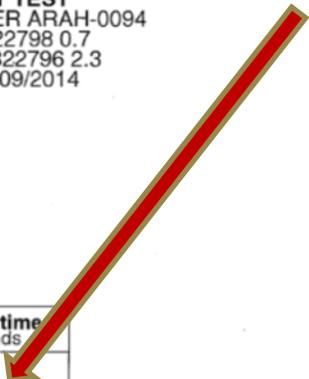
Analysis Date: 10/02/2014
Observation Period Began: 08:10
Citation/Case Number: 1930
Operator Name: STERKEL/ MEL/ D
Subject Name: GEYHDYD/ KDF/ R
Subject Date of Birth: 09/08/1976
External Standard Lot: LOT1_6789012345678901234

Breath Analysis	Result g/210L	Time hh:mm	Volume liters	Blowtime seconds
Blank Test	0.000	08:40		
Internal Standard	VERIFIED	08:41		
Subject Sample 1			2.3	6.6
IR Result	0.000	08:42		
EC Result	0.000	08:42		
Blank Test	0.000	08:43		
External Standard IR	0.080	08:43		
External Standard EC	0.077	08:43		
Blank Test	0.000	08:44		
Subject Sample 2			1.8	5.8
IR Result	0.000	08:45		
EC Result	0.000	08:45		
Blank Test	0.000	08:46		

During this test, I followed all protocols set in place by the Washington State Toxicologist for the purposes of this test. At the time of this test I was certified to operate the Alcotest 9510 and possessed a valid permit issued by the State Toxicologist. I observed the subject during the entire observation period and during that time they did not eat, drink, smoke, vomit, or place any foreign substances in their mouth.

I certify (or declare) under penalty of perjury under the laws of the state of Washington that the statements on this document and information contained therein are true, correct, and accurate. (RCW 9A.72.085.)

Officer Signature *Mel Sterkel* Date 10/2/14
Location Signed YACOMA WA.



Error Messages

Do not place out of service:

- Invalid sample
- Ambient fail
- Samples outside 10%
- Blank error
- Interferent detected

Out of service errors:

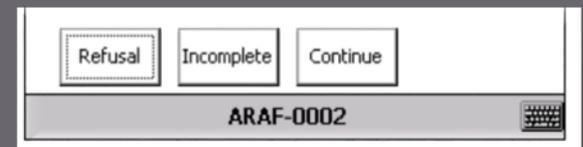
- Internal standard error
- Cal Gas supply
- External standard out of range
- Heater regulation error

Additional Information

Stop Button



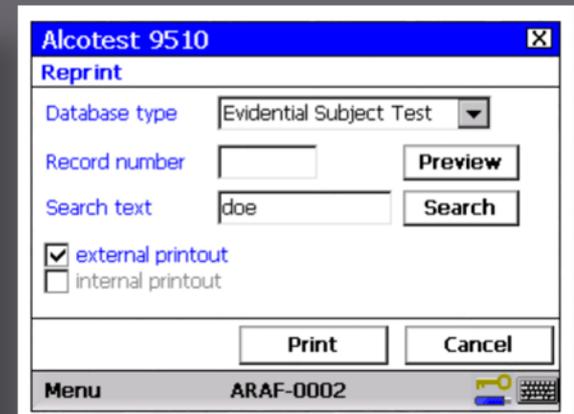
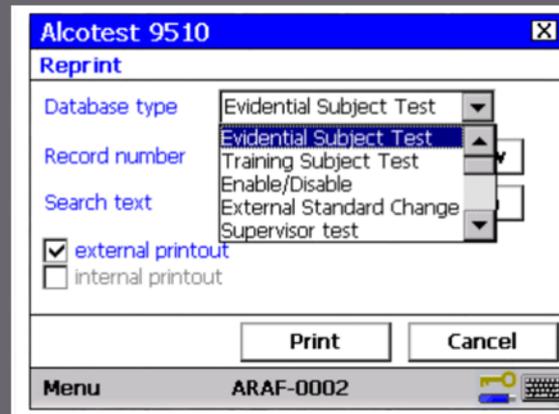
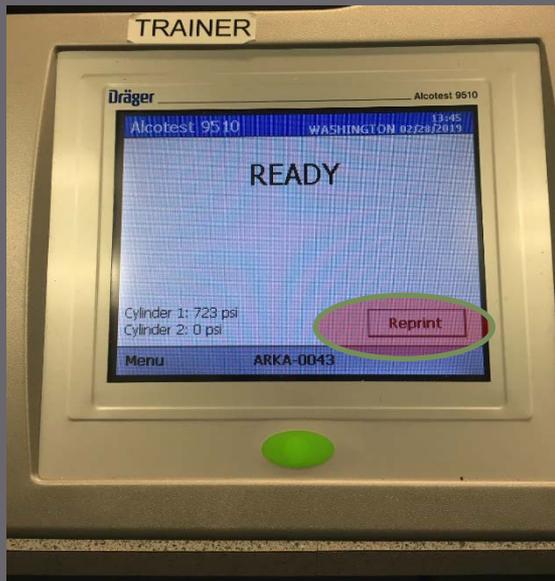
- Before data entry complete – you will be given two choices
 - Continue – test will continue
 - Cancel Test
 - Continue – test will continue
 - Incomplete – invalid data entry, purging, NO breath test document will print
- After data entry complete – you will be given three choices
 - Refusal – please wait – printout
 - Incomplete – please wait – printout
 - Continue (return to previous)



Copies of Prior Breath Test

Operators can, within 90 days of the test, return to the same instrument and reprint a breath test document.

- Press the “REPRINT” box found in the lower right corner of the display.
 - Tap “Search” – may first enter operator name, subject name or case number to locate desired test
 - Tap on desired test
 - Touch “Save” button
 - Touch “Print”



DUI Arrest Report

Enter all four results onto page one of the DUI Arrest Report.

- Send to DOL if any of the four results are at or above 0.08.

BAC Readings - Draeger	1 st Sample (IR) _____	2 nd Sample (IR) _____
	1 st Sample (EC) _____	2 nd Sample (EC) _____

DUI Arrest Report

<http://www.wsp.wa.gov/breathtest/btpindex.php#dui>

Available on Washington State Patrol Website

Go to - <http://www.wsp.wa.gov>

Go to – Search “DUI Arrest Report”

Click - WSP Breath Test Program - BTP Public Records Index

Scroll down to DUI Arrest Forms

DUI Arrest Forms

[Back to Top](#)

- [DUI Arrest Report Page 8.pdf](#) (January 01, 2019) **New!**
- [DUI Arrest Report \(English\).pdf](#) (January 01, 2019) **New!**
- [DUI Arrest Report \(Spanish\).pdf](#)

Case Reports

Clear, thorough and complete case reports are very important.

- Case can stand alone on the case report.
- Substantiating evidence such as driving, physical test, observations and statements.
- Be sure to include all information DOL needs (highlighted areas) for a hearing.

Preliminary Breath Test

- ▣ Useful tool for:
 - Establishing PC for arrest or support issuance of blood search warrant
 - Investigating MIP, DV, or crimes involving alcohol
 - Alcohol rule-out
- ▣ NOT the evidential breath alcohol test under the implied consent law
- ▣ Approved in WAC

PBT Administration

- ▣ WAC 448-15 governs PBTs
- ▣ Only two PBTs currently approved for use in WA
 - Alco-Sensor III
 - Alco-Sensor FST
- ▣ BAC operator certification also includes PBT operator certification
- ▣ The PBT must have been certified within the last six months by a PBT technician

Theory of Operation

- ▣ The instrument uses FUEL CELL technology
- ▣ The fuel cell oxidizes the alcohol which releases electrons available for an electrical current flow that is proportional to the concentration of alcohol
- ▣ The electrical current is measured and becomes an index of alcohol concentration
- ▣ The results are shown on a digital display in g/210 L of breath

PBT Test Protocol

- ❑ Subject must be advised that the PBT is voluntary and not an alternative to any evidential breath alcohol test.
- ❑ Must determine by observation or inquiry, that the subject has not consumed any alcohol in the previous 15 minutes.
- ❑ Ensure a blank test result is obtained prior to collecting a sample.
- ❑ Have the subject exhale into the mouthpiece with a full and continuous exhalation.
- ❑ Sampling parameters are similar to the evidential instruments. The goal is still deep lung air for the most representative sample.

PBT Considerations

- ▣ New, clean mouthpiece for each test
- ▣ Subject should not have smoked/vaped within three minutes
- ▣ Use care placing and removing the mouthpiece, easy to break off the intake port, expensive to fix
- ▣ Use included lanyard, magnet case, or uniform pocket to store, PBTs are frequently left on hoods/trunks and broken or lost
- ▣ PBTs should be stored long term in areas where it does not encounter extreme (hot or cold) temperatures
- ▣ Radios should not be transmitted during PBT tests

ALCO-SENSOR III

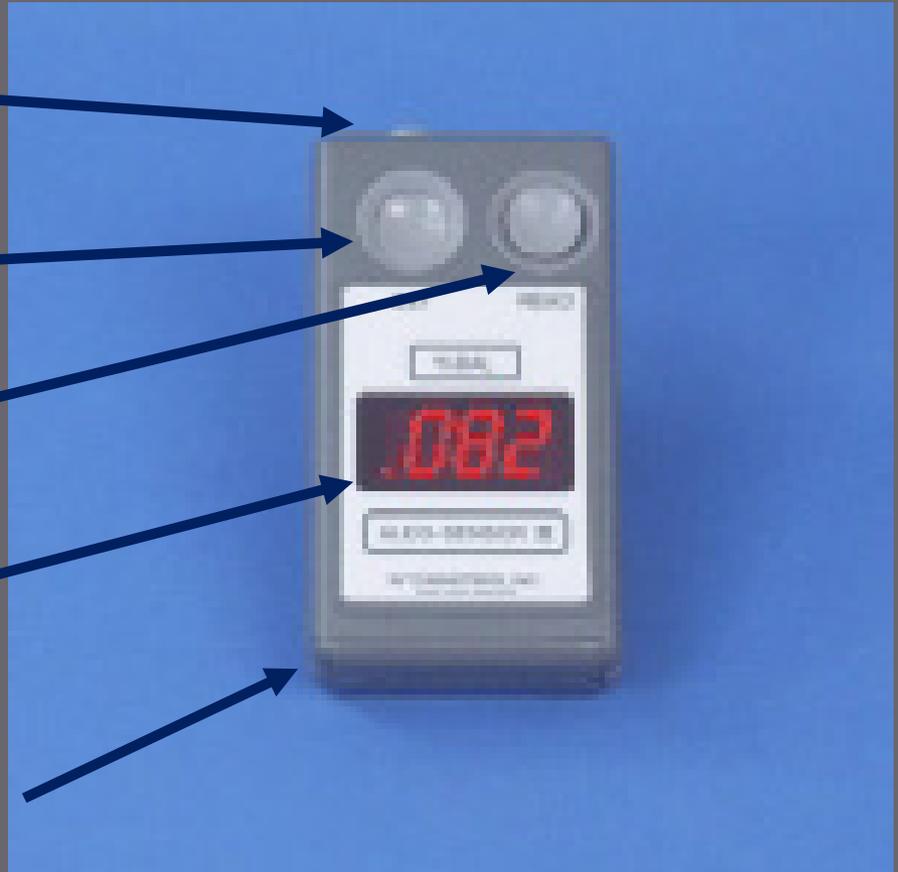
Breath intake port

Set button

Read button

Digital display

Temperature display
(on back)



ALCO-SENSOR III Operation

- ▣ “Set” button should be depressed when stored and prior to use
- ▣ Temperature display on the back must be 20-36°C
- ▣ Push and hold “Read” button to confirm displayed results are at **0.003** or less
- ▣ Push the “Set” button again and have the subject blow for at least five seconds.
- ▣ While the subject is still blowing press and hold the “Read” button.
- ▣ Keep the “Read” button depressed until the peak value is obtained this may take up to 45 seconds or longer.
- ▣ Press “Set” button and leave it in this position until next use.

ALCO-SENSOR III

Considerations

- ▣ It may take up to five minutes to zero out between tests on the Alco-Sensor III
 - Pressing the “Set” and “Read” buttons quickly does not speed this up and may shorten the life of the PBT
- ▣ If the PBT displays .888 when the “Read” button is depressed this indicates a low battery

Alco-Sensor FST

Mouthpiece

Display

On Button
(on back)

Off Button



Alco-Sensor FST Operation

- ▣ Press and hold “On” button for one second to start the test
- ▣ The battery level and temperature will appear
 - If either is out of range the PBT will automatically abort the test
- ▣ PBT will then complete a blank test
 - Ensure subject is not breathing towards the PBT at this time
- ▣ When display shows “BLO” the PBT is ready for a sample
- ▣ Have the subject blow for at least five seconds

Alco-Sensor FST Considerations

- ▣ The breath test result will display on the screen for 15 seconds and then shut off
- ▣ If the PBT does not automatically capture a sample, you may override the sampling parameters but pressing the “On” button at any time during the breath test
- ▣ Pressing the “On” and “Off” buttons at the same time will recall the last breath sample result
- ▣ There is no need to wait five minutes between tests on the FST

Ignition Interlock

- ▣ Interlocks are now required to be installed on ALL convicted DUI offenders in WA for at least one year.
 - Interlocks use fuel cell technology very similar to the PBT.
 - All have digital cameras, GPS and anti-circumvention technology.
 - Tested annually by WSP troopers who try various means to intentionally circumvent and bypass the device.
- ▣ A breath sample is required before starting the vehicle and then randomly required every 10-45 minutes thereafter.

Interlock Cameras and gps*



Timestamp	Event	Latitude	Longitude	BrAC Value
1/6/2016 5:18:43 PM	BrAC Reading	0.0000	0.0000	0.000
1/6/2016 5:18:43 PM	BrAC Pass	0.0000	0.0000	
1/6/2016 5:20:48 PM	BrAC Reading	47.3200	-122.2000	0.000
1/6/2016 5:20:48 PM	BrAC Pass	0.0000	0.0000	
1/6/2016 5:22:29 PM	BrAC Reading	47.7700	-122.3100	0.000
1/6/2016 5:22:29 PM	BrAC Pass	47.7700	-122.3100	
1/7/2016 10:09:30 AM	BrAC Reading	48.1800	-122.2000	0.000
1/7/2016 10:09:30 AM	BrAC Pass	47.1600	-122.3000	
1/7/2016 10:16:42 AM	BrAC Reading			0.000
1/7/2016 10:16:42 AM	BrAC Pass	47.3500	-122.2300	

- ❑ Digital cameras are typically mounted on the driver or passenger side 'A' pillar. It is a crime if the camera is covered, removed, tilted, etc. so that the driver providing the sample is not visible.
- ❑ GPS is captured during all tests. May also be used for law enforcement related investigations with a search warrant. Contact WSP for help.

*May not be required in other states or if someone voluntarily installs an interlock device (not required by court order).

GOOD



NOT SO GOOD



Encountering Interlocks on Patrol

- ▣ Approximately 10,000 drivers in Washington are required to have an interlock installed and DO NOT!
- ▣ Have subject turn off car for at least TWO minutes (vehicle can be restarted w/o a breath test within two minutes for safety).
- ▣ Observe the subject when they provide a sample. When properly installed, the device display should light up.
- ▣ Camera should be pointed in logical direction with an unobscured view.

ADDITIONAL Interlock Training

- ▣ Additional interlock training is available for any law enforcement officers from WSP.
- ▣ Contact the WSP Impaired Driving Section at 206-720-3018.
- ▣ NHTSA has released a free (2 hour) online interlock training course available to all law enforcement, available on Firstforward.com.

REVIEW

- ▣ When an officer is asked in court what they were taught in Draeger and PBT class, state to the effect:
- ▣ The class is up to 16 hours and consists of lecture, a practical session, a written exam, and a practical exam
- ▣ The course includes legal, theories, and detailed instruction

Feedback

- ▣ Please tell us what you thought about this training:

<https://www.surveymonkey.com/r/WSPBAC>