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March 26, 2020

TO: Washington Association of Prosecuting Attorneys
Washington Association of Sheriffs & Police Chiefs

FROM: Lieutenant Bruce A. Maier, Washington State Patrol

SUBJECT: COVID-19 – Draeger Alcotest 9510 Best Practices

As the Novel Coronavirus (COVID-19) situation continues to develop in Washington, we at the Impaired Driving Section (IDS) of the Washington State Patrol are committed to the service and safety of all Washingtonians. To assist breath test operators, we are providing some suggested guidelines and information regarding any concerns with breath testing in the state.

- IDS, in consultation with the Draeger manufacturer, have determined there is a low risk for transmission during evidential breath testing while using a Draeger Alcotest 9510, as long as extra precautions are taken during processing.

- IDS is not recommending a directive to stop using the evidential breath test instruments (Draeger Alcoltest 9510) and automatically seek blood warrants. The risk of virus transmission, (e.g., COVID-19), while conducting a breath test is similar to the risk of transmission during face-to-face interactions like a traffic stop. We would rely on individual officer's judgement and training, along with agency policies, regarding each unique situation when dealing with subjects. IDS would recommend officers attempt using social distancing measures as much as possible and use appropriate PPE precautions when dealing with subjects. For example, the 15-minute observation period can be conducted 6 feet or more from the subject. The use of a sealed, single use mouthpiece will also minimize transmission risk if properly handled and disposed.

- With the above in mind, a refusal by a subject to submit to a breath test due to fear or concern of exposure to COVID-19 may still be considered a refusal to test. In situations where an arrestee is displaying signs and symptoms of illness, consideration of no test(s) and obtaining a blood warrant could make sense in certain situations. However, obtaining blood may unnecessarily increase the risks and demand on the medical community and could further increase the chance of exposure to officers, the public, and medical staff by visiting a medical facility. Careful consideration(s) should be made on a case by case basis, and include no test(s) on the subject at all.

- Finally, the Draeger manufacture recommends operators adopt a practice of sanitizing the instrument by wiping down contact areas such as the plastic end portion on the exterior of the breath hose, start test button, touchscreen and keyboard with an alcohol-based cleansing wipe (e.g., 70% isopropyl wipe) following the completion of each breath test. The alcohol should evaporate completely within 15 minutes. Ensure to report any potential COVID 19 exposure to the BAC instrument facility.

If you have questions, contact the Impaired Driving Section at (206) 720-3018 - Sergeants Sue Harbour or Oscar Garcia. Please stay safe, take care of yourselves and each other.

BAM:rmc
cc: Incident Management Team, Washington State Patrol