

Washington State Patrol

BREATH TEST PROGRAM

Operations Manual

June 6, 2016

Forensic Laboratory Services Bureau
Impaired Driving Section
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INTRODUCTION

This manual covers the operational responsibilities of the Washington State Patrol (WSP) Breath Test Program (BTP) as they relate to the Program's breath alcohol calibration functions.

The purpose of this manual is to provide the responsible personnel with written policies and procedures that will:

- Promote an efficient and effective operation,
- Assist personnel in performing assigned duties and tasks, and
- Ensure that the work product and services of the program are fit-for-purpose and of the highest quality possible.

This manual applies to all breath alcohol calibration functions within the BTP. The policies and procedures are binding on all personnel of the BTP, and shall be followed. This manual covers all work done by responsible personnel, to include but not be limited to work done within the individual calibration laboratories within the BTP, in addition to duties outside the laboratory, whether in court, training venues, or anywhere else the duties of responsible personnel might be employed. Any adjustments or deviations from the policies and procedures detailed in this manual must be approved by BTP Management, and appropriately documented.

The official version of this manual is the electronic version as it appears on the Forensic Laboratory Services Bureau (FLSB) SharePoint site (FLSB Portal).

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1 SCOPE

Within the WSP Forensic Laboratory Services Bureau (FLSB), the Breath Test Program (BTP) of the Impaired Driving Section (IDS) is responsible for breath alcohol calibration functions for evidential breath test instruments in the state of Washington.

1.1 MISSION STATEMENT

The BTP will provide forensic breath alcohol calibration services and training for Washington's criminal justice agencies. The BTP is committed to providing the highest quality forensic services which ultimately enhances public safety for the citizens of Washington.

1.2 GOALS AND OBJECTIVES

The goals and objectives of the BTP will be reviewed continually and are based upon the needs of the Criminal Justice System and the needs of the agencies served by the program.

1.3 LEGAL DIRECTION

The BTP is a publicly funded, legal entity that is responsible for its legislatively mandated actions. The BTP provides scientific and technical assistance for prosecuting attorneys and statewide criminal justice agencies as mandated by Revised Code of Washington (RCW) 46.61.506 and the Washington Administrative Code (WAC) 448-15 and 448-16.

1.4 DEFINITIONS

1.4.1 Breath Test Program (BTP)

A program within the IDS that calibrates and verifies the accuracy and proper working order of the evidentiary breath test instruments throughout Washington State.

1.4.2 Forensic Investigations Council (FIC)

An oversight group, appointed by the Governor, whose purpose it is to oversee the FLSB and, in consultation with the Chief of the Washington State Patrol or the chief's designee, control the operation and establish policies of the FLSB.

1.4.3 Forensic Laboratory Services Bureau (FLSB)

A bureau within the WSP that includes the Toxicology Laboratory Division (TLD), the Impaired Driving Section (IDS), the Crime Laboratory Division (CLD), and the Standards and Accountability Section (SAS).

1.4.4 Impaired Driving Section (IDS)

A section within the FLSB that includes the Breath Test Program (BTP), among other statewide programs. For the purposes of this manual, IDS shall refer to those functions that pertain to its breath alcohol calibration functions, namely the calibration

and verification of evidentiary breath test instruments, unless otherwise noted. Within the IDS, the breath alcohol calibration functions are performed by the BTP.

1.4.5 Policy

The guiding principles by which the BTP operates. Policies influence, direct and determine the decisions and actions of BTP employees.

1.4.6 Procedure

A defined and established method for implementing a policy.

1.4.7 Toxicology Laboratory Division (TLD)

A division within the FLSB that prepares and certifies simulator solutions for use by the BTP in the calibration and verification of breath test instruments throughout the state.

1.5 SERVICES AND FUNCTIONS

The BTP will provide breath alcohol calibration services for all statewide criminal justice services. This will include the calibration, verification, maintenance and operation of the breath test instruments used throughout Washington State. In addition, services will be provided regarding training, expert court testimony, legal discovery, supplies and equipment, and data analysis.

The primary operational functions within the programs include:

1.5.1 Breath Test Instrument Calibration and Verification

Certified Breath Test Technicians will support the breath test instruments within their geographical region of responsibility and perform the required calibration and verification procedures (Quality Assurance Procedure; QAP) on each instrument. The Breath Test Technicians ensure the accuracy, precision and proper working order of the instruments in addition to maintaining documentation of these procedures.

1.5.2 Breath Test Instrument Maintenance

Certified Breath Test Technicians will ensure the repair and maintenance of the breath test instruments and associated equipment as necessary. Documentation of these events will be maintained.

1.5.3 Expert Court Testimony

Certified Breath Test Technicians within the BTP will provide expert testimony regarding their responsibilities, results and/or records for courts and other legal proceedings throughout the state.

1.5.4 Records Custodian, Discovery and Public Records Requests

Qualified BTP personnel will be considered custodians of the records for breath alcohol calibration related documents. Trained BTP personnel will respond to, and provide documents for, requests pertaining to official breath alcohol calibration documents (e.g. *subpoena duces tecum*, public records requests).

1.6 ORGANIZATION AND MANAGEMENT STRUCTURE

The BTP is a program of the Impaired Driving Section (IDS) which is a part of the Forensic Laboratory Services Bureau (FLSB) of the Washington State Patrol (WSP) (see *Appendix A*). The BTP Headquarters is located at its primary laboratory in Seattle. The BTP has satellite laboratory facilities located at ten sites throughout the state where breath test technicians conduct their areas of responsibility (see *Appendix B*). The satellite laboratories are located in Burlington, Kennewick, Marysville, Tumwater, Poulsbo, Spokane, Tacoma, Union Gap, Vancouver, and Wenatchee.

Top management for the BTP consists of the FLSB Bureau Director, the IDS Commander, the State Toxicologist, and the FLSB Standards & Accountability Section (SAS). The Bureau Director is responsible for all Bureau operations and management. The IDS Commander is responsible to ensure that all policies, rules, procedures, directives, goals and guidelines are written in a clear manner, are consistent with department policy, State and Federal Law, and are made available to the all BTP personnel. The State Toxicologist is legally responsible for technical procedures as authorized by statute (RCW 46.61.506). The SAS has quality oversight responsibilities for the program, handling audits and proficiency testing. The SAS Manager functions as the Quality Assurance (QA) Manager for the BTP.

Examples of documents containing policies, rules, procedures and guidelines include:

- WSP Regulation Manual
- Collective Bargaining Agreements
- BTP Quality Manual
- BTP Operations Manual
- BTP Calibration Technical Manual
- BTP Training Manual
- WSP Safety and Wellness Manual

The IDS Commander and BTP sergeants, hereinafter referred to as BTP management, have the responsibility to ensure that policies, rules, procedures, directives, goals and guidelines are understood and practiced by all employees.

When a supervisor or manager is unavailable, a person will be designated as the acting supervisor or manager. If no one is available or has been designated to take this responsibility, the next level up in the chain of command will be responsible.

1.7 PERSONNEL RESPONSIBILITIES

Minimum educational and/or other requirements for Technical positions within the BTP are found in Appendix C.

1.7.1 Forensic Laboratory Services Bureau Director

The Washington State Patrol's Forensic Laboratory Services Bureau Director is responsible for all Bureau operations and management. The position also functions as the Laboratory Director of the Breath Test Program in the Impaired Driving Section.

1.7.2 State Toxicologist

This position is responsible for managing and approving all operational, technical, policy and fiscal aspects of the TLD, and reports to the FLSB Director.

The State Toxicologist:

- Promulgates revisions to the Washington Administrative Code (WAC)
- Approves analytical methods and instrumentation
- Provides expert court testimony where required

1.7.3 Impaired Driving Section (IDS) Commander

The IDS Commander has the primary responsibility for the daily operation of the IDS and BTP, and is responsible for supervising and monitoring the compliance with policies and procedures for all personnel within the IDS/BTP. This position reports to the FLSB Director.

The IDS Commander:

- Will be a commissioned officer having the RCW rank of Lieutenant
- Directly supervises the BTP supervisors
- Prepares and is responsible for the BTP budget
- Works with supervisors to develop and implement program policy and practice
- Gives direction to the BTP's QA Program
- Directs the technical peer review program
- Ensures the effective application of the BTP's QA Program
- Assists the QA Manager with the annual review of the quality management system
- Authorizes, monitors and tracks training and professional development requests
- Oversees grant management
- Monitors compliance with accreditation and audit criteria

1.7.4 Quality Assurance (QA) Manager

The QA Manager implements and maintains the QA Program, and monitors the quality of the work product and the personnel of the BTP. This position is within the Standards and Accountability Section (SAS), and reports to the FLSB Director.

The QA Manager:

- Works to maintain and improve the quality program of the BTP
- Oversees the proficiency testing program
- Assists with the training (and retraining) program for the BTP

- Directs annual technical and quality audits of each laboratory
- Maintains and revises technical and training manuals for the BTP
- Organizes and schedules QA meetings
- Makes recommendations to the IDS Commander regarding issues of nonconformity
- Provides expert court testimony where required

1.7.5 Technical Leader/Calibration Activities Supervisor

The IDS Commander will appoint a Technical Leader/Calibration Activities Supervisor to provide quality assurance program support through technical oversight.

The Technical Leader/Calibration Activities Supervisor:

- Assists the QA Manager in maintaining the laboratory's quality processes and ensuring operational compliance with all accreditation and legal standards and requirements
- Has responsibility for uniform methodology implementation and use in all laboratories and responsibility for evaluating all methods used
- Has the responsibility to oversee standard training for new employees, and re-training of existing employees as needed in conjunction with the employee's supervisor
- Has the responsibility to see that quality practices are utilized in all scientific equipment maintenance, and ensures appropriate quality control is implemented within the discipline
- Evaluates new analytical procedures, equipment or technologies and oversees their validation and assists with implementation
- Ensures methodologies are in compliance with health and safety requirements
- Assists in resolving disagreements between technicians and technical reviewers, resolving other technical issues, and assists Standards and Accountability with root cause analysis involving technical nonconformities
- Has the responsibility to recommend the termination of testing through the chain of command in the event of a technical problem with a technical procedure, instrumentation or equipment.

1.7.6 Breath Test Program (BTP) Supervisor

The BTP Supervisor has primary responsibility for the supervision of breath test technicians, and reports to the IDS Commander. Minimum qualifications for this position are outlined in Appendix C.

The BTP Supervisor:

- Will be a commissioned officer having the RCW rank of Sergeant
- Directly supervises the breath test technicians
- Ensures the breath test technicians are complying with program policies and procedures
- Ensures the personnel under their supervision receive appropriate training
- Under the direction of the QA Manager, coordinates the proficiency testing program
- Organizes and conducts periodic meetings of subordinates

- Observes subordinates periodically as they testify in court
- Observes subordinates periodically as they teach classes
- Attends functional area meetings and visits all assigned laboratories
- Assists the QA Manager with the annual review of the quality management system
- Provides expert court testimony where required

1.7.7 Breath Test Technician

This position is assigned to one of the field locations where there is geographical responsibility for the BTP, and reports to the BTP Supervisor. Minimum qualifications for this position are outlined in Appendix C.

The Breath Test Technician:

- Is a commissioned trooper or a forensic scientist
- Are qualified Operators, Instructors and Solution Changers
- Performs calibration and certification procedures on evidential breath test instruments
- Performs repairs and maintenance on evidential breath test instruments
- Trains local police officers to be qualified Operators of the evidential breath test instruments
- Generates and maintains records and other documentation regarding the evidential breath test instruments and training responsibilities
- Generates reports and summary statistics of program activities and DUI enforcement
- Provides expert court testimony where required

1.7.8 Office Assistant

This person performs a variety of routine clerical duties in support of office or section operations.

1.8 TRAINING

BTP supervisors will ensure that employee training meets or exceeds competency requirements, and/or provides continuing education opportunities or career development. Training or retraining of breath test technicians in breath alcohol calibration work must follow the training programs outlined in the BTP Quality Manual and BTP Training Manual, including the timely submission of any training evaluations.

1.9 COMMUNICATIONS

1.9.1 Policy

BTP Management will establish a proper flow of communication internally throughout the BTP, and externally with its customers. Management will ensure that within each laboratory all employees are well informed, and employees at each level have input into the system. Management will also ensure there is clear and frequent communication between the TLD and BTP sections of the Bureau. In addition,

management will ensure that communication with relevant customers is effective and responsive to their needs.

BTP employees will follow the chain of command for all internal written communications as required by WSP Regulation Manual. The chain of command, in ascending order, will normally be the employee's Supervisor, the IDS Commander, the FLSB Director, the Deputy Chief and Chief of the Washington State Patrol.

1.9.2 Procedures

Examples of various forms of communication to be used by the BTP include:

- Agency meetings
- Manager meetings
- Supervisor meetings
- Section meetings
- Functional area meetings
- Conference calls
- Written direction from Bureau or Section Headquarters for review by all members
- Interoffice Communication (IOC) or e-mail

Examples of external communication are as follows:

- Personal contact by telephone, e-mail, letter, or in person
- Attendance at meetings of local law enforcement, attorneys, traffic safety groups, and other customer and/or community groups
- Customer newsletters
- Training provided to law enforcement, attorneys, traffic safety groups, and other customer and/or community groups
- Membership and participation in WSP or State committees
- Customer surveys

Every employee has the responsibility to safeguard all confidential information obtained in his or her official capacity from unauthorized distribution. In addition, employees will not access or disclose any confidential information except where legally authorized.

1.9.3 Customer Surveys

Customer feedback will be solicited at least annually. This may be in the form of an annual survey submitted to customers. Efforts will be made to include command staff, line officers, allied law enforcement agencies, attorneys, and any other members of the criminal justice system who have an interest in the BTP's breath alcohol calibration functions.

Once feedback has been received, a review will be conducted by BTP Management and issues will be identified and addressed. Laboratory-specific issues will be addressed by the Supervisors, with responses to the impacted agency, the IDS Commander and FLSB Director.

1.10 COMPLAINTS

1.10.1 Policy

A complaint is an allegation of conduct or omission that is contrary to state statute, Washington Administrative Code, Civil Service Rules, WSP Agency rules and regulations, and the Program/Bureau policies and procedures. They may include an allegation of conduct or omission that could amount to misconduct, exercise of poor judgment, or failure to meet established standards. A complaint may be made against an individual, a laboratory, a procedure or the Program/Bureau.

Complaints regarding program personnel, policies or procedures may come from internal or external (e.g., officers, prosecutors, defense attorneys, the public) sources. Complaints could be written or communicated orally. Personnel that become aware of a complaint either from an internal or external source have the responsibility to communicate the complaint either to their management staff or up through the chain of command. Management has the responsibility to ensure that complaints are resolved appropriately, using one of the three procedures outlined below.

1.10.2 Procedure

1. Non-Quality System complaints follow the WSP Agency Complaint Procedures (see WSP Regulation Manual). Investigation and resolution of the complaint may follow several courses of action depending upon the severity of the allegation.
2. Complaints regarding any aspect of calibration that do not conform to quality policies and/or procedures shall be directed through the chain of command (see *BTP Quality Manual Chapter 4*). Procedures outlined in the Quality Manual will be followed in these cases.
3. Any complaints regarding other areas of the employee's responsibility shall be directed to that employee's immediate supervisor.

Management may respond directly to the complainant and attempt to resolve the issue by discussing existing policies. As necessary, corrective or preventative actions may be initiated as a response.

Any changes or revisions to controlled documents resulting from complaints will follow the Document Control and Document Revision policy and procedure section of the BTP Quality Manual (see *Chapter 3*).

1.11 UNDUE INFLUENCE ON ANALYSIS

1.11.1 Division Policy

BTP management will strive to ensure there is no influence on the professional judgments of employees, including any undue internal and external commercial, financial or other pressures and influences that may adversely affect the quality of their work. Personnel shall not engage in activities that may diminish confidence in the

laboratory's competence, impartiality, judgment, or operational integrity. All conflict of interest concerns and situations that could cause undue pressure that adversely affect the quality of the work shall be brought to the attention of management.

Managers have the responsibility and authority to receive and take action on employee concerns within their section. Serious instances of undue influence on analytical findings or conflict of interest will be reported to immediate supervisors and escalated through the chain of command.

1.11.2 External Divisions, Agencies and Entities

The BTP interacts on a regular basis with external divisions, agencies and other entities, in relation to its breath alcohol calibration activities. Any requests, suggestions and/or directives given by any of these interest groups must be approved by the IDS Commander before being implemented.

The following summarizes the roles of several of these interest groups:

1.11.3 Forensic Investigations Council

The Forensic Investigations Council (FIC) is an oversight group, appointed by the Governor, whose purpose it is to oversee the operations and budget of the FLSB and, in consultation with the Chief of the Washington State Patrol or designee, assists the FLSB in devising policies to promote the most efficient use of laboratory services (RCW 43.43.670, 43.88.030). The FIC meets on a regular basis, during which the FLSB Director, the Crime Lab Division Commander, the Toxicology Division Commander and the IDS Commander or designees provides policy, operational and budgetary updates.

1.11.4 Field Operations Bureau

The Field Operations Bureau (FOB) is headed by a WSP Assistant Chief, who reports directly to the Deputy Chief and commands eight districts each commanded by a captain). Back-up Breath Test Technicians are assigned to, and are supervised within, the FOB.

1.11.5 Allied Law Enforcement Agencies

Allied agencies include Sheriff and Police Departments throughout the state, which are overseen by the Washington Association of Sheriff and Police Chiefs (WASPC). Certified Breath Test Operators and External Solution Changers assigned to these agencies receive and use External Standard Solutions (provided by the TLD), and calibrated evidentiary breath test instruments from the BTP.

1.11.6 Office of the Attorney General

An assistant attorney general (AG) is assigned to the WSP and assists with tort claims, lawsuits and discovery requests. Changes to the RCW and WAC, pertaining to breath alcohol calibration activities, are reviewed by the AG.

1.11.7 Prosecuting Attorneys

The BTP provides expert testimony services to prosecuting attorneys throughout the state. The Washington Association of Prosecuting Attorneys is one oversight group.

1.11.8 Councils, Commissions and Committees

Examples include the Washington Traffic Safety Commissions (WTSC) and the Washington Impaired Driving Advisory Council (WIDAC). Such groups interact with the BTP/FLSB to support their own goals and objectives of reducing the incidence of impaired driving collisions within the State of Washington.

1.12 PUBLICATIONS AND PRESENTATIONS

All original research or presentations given to peers at conferences, professional meetings or for publication must receive a technical peer review and be approved through the chain of command to the IDS Commander prior to presentation or submission for publication. Refer to the BTP Quality Manual (*see Chapter 11*) for review and approval procedure.

Presentations to attorneys, law enforcement agencies and other personnel for training purposes must be peer reviewed, and approved through the chain of command.

Informational presentations to the public (schools, Rotary, etc.) do not need peer review, but do require supervisor notification and approval.

PowerPoint presentations which have been approved in the past will be posted on the FLSB Portal for use by BTP personnel in preparing other similar presentations.

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2 LABORATORY SPACE AND SECURITY

The security of equipment, supplies, records and personnel are of high priority to the WSP. Effort will be made to ensure the security of all offices and facilities used by employees within the BTP. Security of facilities helps to enhance the credibility and confidence that can be placed in services provided by the BTP.

The BTP shall maintain secure facilities into which only authorized personnel are allowed access. The manner in which security is maintained, either by lock and key or security codes, shall be determined and ensured by section supervisors.

2.1 SPACE

In order for the personnel within the BTP to efficiently carry out their goals and objectives, adequate and proper space should be allocated for each laboratory activity and function.

Each employee should have enough working space to efficiently accomplish assigned tasks without the risk of mishandling or contaminating materials and/or equipment. All employee and general laboratory working areas should have sufficient storage space for proper storage and handling of individual and general laboratory supplies, equipment and tools. In addition to the space needed for technical work, there should be sufficient space for writing reports, reviewing documentation, working at the computer, filing cabinet storage, water supply, etc.

The laboratory will have space designated for the safekeeping of official records and reports as well as space for reference material, books, and other documents necessary for carrying out the functions of the laboratory. In addition, proper and sufficient space will be provided for long-term storage of any volatile and hazardous materials.

The BTP will take measures to ensure good housekeeping in all laboratories.

2.2 SECURITY

Security at BTP facilities shall be ensured through a lock and key, proximity card or combination lock system that ensures only authorized personnel have access.

2.3 PROCEDURE

Each laboratory facility shall define their areas of accessibility and have guidelines that govern accessibility to those areas. Laboratories differ in design, consequently some areas may, out of necessity, be used for several purposes. The laboratory's security measures must account for multiuse areas and develop procedures to ensure proper security. In general, guidelines should consider the following types of areas:

2.3.1 Public Area

An area such as a lobby, common hallway, conference room, or restroom which may be accessed by members of the public during business hours without escort.

2.3.2 Work Area

An area designated for responsible employees to perform their assigned duties.

2.3.3 Securing the Laboratory

BTP Lab exterior doors will be kept secure when the lab is not occupied by authorized personnel.

2.3.4 Keys, Proximity Cards, and Combinations

Where applicable, supervisors will issue laboratory door and alarm keys or proximity cards, and combinations or codes to employees. Key and proximity card logs will be maintained in accordance with departmental regulations by appropriate personnel, and combinations will be changed as needed to ensure that only authorized individuals have laboratory access. Keys and proximity cards may not be duplicated or loaned, and combinations or codes may not be divulged to unauthorized personnel.

The supervisor or designee shall maintain an inventory of keys, proximity cards and combinations for the laboratory facilities. Audits of these inventories will be conducted each calendar year by each person responsible for maintaining each inventory and a copy of each verified inventory shall be provided to the IDS Commander.

Entrance/exit points and internal areas requiring additional limited/controlled access will have a separate lock system. Access to these areas will be restricted to certain employees, on a routine or limited basis, and such access will be determined and documented by the IDS Commander or designee.

2.3.5 Visitors

All visitors (non-departmental) to the laboratory will sign in and be escorted by authorized personnel while within secured work areas.

Approved, non-departmental janitorial personnel will not be required to sign in and will not require an escort. They will work only during normal business hours, and only in areas occupied by laboratory personnel.

2.3.6 Interviewing Employees

Interviews of employees by media, attorneys, or others as deemed appropriate, are allowed only insofar as the employee agrees to be interviewed and the interview process does not have a deleterious effect on the laboratory's efficiency and resources. Interviews will conform to the following standards:

- Interviews of employees will be prescheduled and conducted with minimum impact to employees' work assignments
- All interviews will be conducted in a courteous and professional manner
- A maximum of two hours will be allowed for any interview. If additional time is needed, a second interview may be scheduled or additional time may be arranged.

- Employees have the authority to stop or pause an interview for a rest break, or if they become uncomfortable for any other reason
- Employees may consult with their supervisor or IDS Commander at any time, and may opt to terminate an interview if appropriate
- The employee may request legal representation to be present.

2.4 SECURITY OF VOLATILE CHEMICALS

Responsibilities of employees within the BTP involve the use of volatile chemicals, including ethanol and acetone. Volatile chemicals will be stored within the secure offices or laboratories of the BTP, according to NFPA and manufacturer recommendations.

Program supervisors shall ensure that the security of volatiles and their documentation are maintained by all subordinates.

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3 ACQUIRING EQUIPMENT AND SUPPLIES

3.1 POLICY

The BTP acquires equipment and supplies allowing them to perform its responsibilities. The BTP is responsible for the acquisition, custody and disposal of all equipment and supplies within their control, and should only acquire those necessary to fulfill their mission. State equipment and property will not be used for personal purposes. The procedures outlined below are designed to guide employees through the acquisition activities to conform to all applicable laws, policies and administrative rules.

3.2 PROCEDURES

For the purposes of this section, equipment means all physical items used by employees to conduct the official business of the BTP including, but not limited to, communications equipment, computers, scientific instrumentation, office machines, vehicles, tools, and other issued equipment or materials.

Equipment will be selected on the basis of its appropriateness for specific functions, initial cost, ongoing support costs, and the availability of funds for equipment purchases and maintenance.

All equipment will be kept secure from damage, misuse, misappropriation, and theft. All equipment must be maintained in proper working condition. Equipment needing repair outside the scope of the technical manual and/or maintenance plans, or systemic problems, must be brought to the attention of the supervisor who will inform the IDS Commander of the need to obtain and authorize repairs.

3.3 RECEIPTS FOR ACQUIRED EQUIPMENT AND SUPPLIES

Acquired equipment and supplies receipts should contain the following information:

- Date of transfer
- Name of person releasing equipment/supplies
- Name of employee acquiring equipment/supplies
- Description of the item(s) including identifiers (serial number, etc.) if applicable
- Signature of person acquiring equipment/supplies

Copies of this receipt will be made available to all parties in the acquisition. Receipts will be retained at least until the item is disposed of or consumed.

3.4 TRANSFER AND DISPOSAL OF EQUIPMENT AND SUPPLIES

Transfer and/or disposal of items obtained under these guidelines must comply with all applicable laws and administrative rules (*see the WSP Regulation Manual*). Supervisors or designee will ensure that the current agency policy on disposal of equipment is followed.

Equipment, including computer equipment and peripherals, that has been replaced will be either disposed of or sent to the appropriate location as soon as practicable. Such equipment should not be retained or stored at the laboratory. Exceptions to this policy must

be approved by the IDS Commander. Requests for exception will clearly address the following:

- The reasons for retaining the equipment
- The intended future use of the equipment
- The cost of putting the equipment back into operation in the future
- The current value of the equipment
- The location where the equipment will be stored and the cost of storage if applicable
- A cost/benefit analysis of retaining the equipment

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4 DOCUMENT MANAGEMENT

The following procedures describe the filing, retention and destruction of pertinent documents within the BTP. These procedures will direct the activities of personnel within the BTP who maintain documentation relative to the BTP's breath alcohol calibration functions. The intent is to provide uniformity throughout the program and ensure proper documentation. Records may be kept in electronic format capable of producing a paper copy where appropriate.

All administrative and technical documentation either received or generated by the laboratories constitute either the calibration file or calibration record, and will be maintained. The BTP will maintain all original documentation in files or records bearing unique identifiers (e.g. calibration or instrument numbers). Upon completion, all calibration files and records will be stored and retained in designated areas in such a way that they are readily retrievable in facilities that provide a suitable environment to prevent damage, deterioration or loss.

Additional details on document management can be found within the BTP Calibration Technical Manual.

4.1 CALIBRATION FILES

Breath alcohol calibration files to be maintained include:

- Quality Assurance Procedure (QAP) file – The BTP will prepare and maintain this file following the completion of an initial QAP. Once an instrument is transferred to a permanent training status, the QAP File will not be further maintained. The QAP File will include the following documents:
 - Copy of the evidential breath test instrument Calibration Certificate (original is sent to the BTP Headquarters)
 - Copy of the QAP Review Form (original is sent to the BTP Headquarters)
 - Copy of the QAP Worksheet (original is sent to the BTP Headquarters) [Applicable only to DataMaster instruments]
 - Copy of Draeger Alcotest 9510 Calibration/Adjustment Record (original sent to BTP Headquarters) [Applicable only to Draeger instruments]

4.2 CALIBRATION RECORDS

Breath alcohol calibration records to be maintained include:

- Instrument Record - The BTP will prepare and maintain all original documentation related to a specific instrument. Each component of the Instrument Record may be maintained in a separate but designated place. The Instrument Record includes, but is not limited to, the following documents:
 - QAP Printouts
 - Instrument Status Report
 - Simulator Solution Change records
 - Simulator Thermometer Certification records
 - Records of repairs and/or adjustments by Technicians
 - Repair documentation provided by the manufacturer

- Breath Test Technician Affidavits (in accordance with CrRLJ 6.13)
- Copy of all relevant Simulator Solution Test Reports
- Dry gas change records

4.3 RETENTION TIME OF DOCUMENTATION

All documentation addressed in this policy is to be retained in accordance with the WSP Impaired Driving Section Records Retention Schedule which is to be found on the FLSB Portal.

4.4 STORAGE OF DOCUMENTATION

All documentation covered by this chapter will be stored in a manner that is readily retrievable and protected from damage, deterioration or loss. Back-ups of documentation stored electronically will be accomplished and stored in such a manner to allow efficient access and security from unauthorized access to or amendment of these records.

All calibration documentation will be maintained under the control of the BTP until they are archived. Each laboratory will maintain at least the most recent five years of calibration documentation. Calibration documentation older than five years may be sent to the State Records Center for secure storage.

4.5 CUSTODIAN OF RECORDS

The IDS Commander will designate personnel to be the official custodians of the records.

4.6 WEB BASED ACCESS TO DOCUMENTATION

The FLSB maintains a WebDMS web based system (<http://breathtest.wsp.wa.gov/>) where calibration records generated and maintained within the program are available. Records are provided to ITD Web Support for installation on the web site.

4.7 EXPUNGEMENT AND DESTRUCTION OF DOCUMENTATION

On receipt of a court order for expungement, the IDS Commander should be contacted. BTP personnel will make any appropriate contacts with the WSP Risk Management Division and/or the Attorney General's Office who will provide guidance to the laboratory for compliance with the order.

Documentation will be destroyed in accordance with the WSP Records Retention Schedule.

5 DISCLOSURE AND RELEASE OF INFORMATION

5.1 POLICY

The BTP is required by law to disclose documentation and information when it is requested by the media, attorneys, insurance companies, the public, or other parties designated by the Public Records Act.

5.2 RELEASE OF RESULTS

The release of results through Calibration Certificates will only be authorized after completion of any mandatory reviews of technical and administrative content. Instrument Calibration Certificates will be issued by personnel who have been authorized by the IDS Commander to review and issue certificates. Copies of Calibration Certificates will be maintained for each instrument in the satellite laboratory from which the instrument is based. Original Calibration Certificates will be maintained in the Breath Test Program Headquarters and duplicated in electronic format for legal discovery purposes.

There will be no electronic issuance of Certificates. Original, printed Certificates are considered official issued versions. This does not preclude the release of copies for public disclosure or legal discovery purposes.

Material amendments to Calibration Certificates will be made only in the form of a further document. The amended document will be titled as follows:

- Amended DataMaster or Draeger Calibration Certificate for [serial #] issued [issue date]

5.3 PROCEDURE FOR PUBLIC DISCLOSURE

Public disclosure requests will be handled according to procedures established by WSP (see *WSP Regulation Manual and Public Disclosure Manual*).

Any request for information under Public Disclosure will be directed to the appropriate public records coordinator within the BTP. Routine discovery requests or other requests for specific information can be provided directly to the requesting party by the responsible personnel handling the request.

Court orders for discovery of documentation, records and other related breath alcohol calibration materials will typically be fulfilled by routing discovery documents through the prosecuting attorney, unless specifically ordered otherwise by the court or authorized by the prosecuting attorney.

Parties requesting information or documentation from the BTP may also be directed to the WebDMS web site (<http://breathtest.wsp.wa.gov/>). Most relevant materials will be found there.

The prosecuting attorney and/or defense counsel may request a pre-trial conference with a technician to discuss findings in a particular case. Technicians should participate in trial preparation with attorneys, whether in face-to-face meetings or by teleconference. To comply with policies governing release of information, technicians must notify prosecuting

attorneys of pending interviews with defense counsel. The prosecuting attorney may request to be present for any interviews.

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6 COURTROOM TESTIMONY

Providing testimony in a legal context is one of the most important responsibilities for BTP personnel. Employees must approach this responsibility with sincerity, honesty and diligence. Testimony is a significant part of the employee's responsibility and will be subject to the same quality assurance standards as other aspects of their work.

BTP personnel will not be advocates for either side but rather advocates for the evidence and/or scientific work. Testifying in a court, telephonically or for a deposition will be limited to the policies, procedures, results, training and expertise of the employee. Most often requests for appearance will be through a subpoena. All legal subpoenas will be honored for appearance as directed, regardless of the party issuing the subpoena. Reasonable effort should be made to comply with requests for appearance regardless of whether a subpoena is received or not, as this is the legal culmination of the program responsibilities.

Subpoenas received that pose a scheduling conflict with the employee must be resolved. Resolution is generally done via conversations between the employee and the person issuing the subpoena.

6.1 COURT TESTIMONY MONITORING

The testimony of each breath test technician must be monitored by their immediate supervisor or designee at least once during the year. Documentation will be completed and maintained.

6.2 PROCEDURE

6.2.1 Employee Requirements

Ideally, prior to going to court to testify, it is the responsibility of the employee to inform their supervisor. This may be done by personal contact, phone or email.

6.2.2 Supervisor Requirements

If the employee's testimony was directly observed, the employee should be given feedback through their supervisor on the positive aspects of the testimony as well as the areas that need improvement. If court testimony was not directly observed, the supervisor may consult with an officer of the court who was present for feedback on the employee's participation. Alternatively, a transcript of the employee's testimony may be obtained for review. Information received in this manner will be shared with the employee.

Written evaluations will be provided to employees and discussed and signed as soon as practical. Records of testimony monitoring shall be retained not less than one full accreditation cycle.

It is the responsibility of the Supervisors to ensure that testimony of all technicians they supervise be evaluated and documented yearly, provided that they testified during that year.

6.2.3 Evaluation Criteria

Evaluation criteria may include:

- Communication Skills
 - Maintains eye contact with the judge or jury
 - Speech is clear, concise, and understandable
 - Posture is open and approachable
- Demeanor
 - Demeanor is polite, professional, and non-argumentative
- Objectivity
 - Answers questions directly
 - Does not speculate
 - Does not show any bias
 - Impartial and not an advocate
- Appearance
 - Demonstrates a clean and well-groomed appearance
 - Clothing is appropriate for a formal appearance in court
- Technical knowledge
 - Limits answers to area of expertise
 - Demonstrates knowledge of the subject matter
 - Is able to translate complex scientific principles into lay terms
- Other relevant comments

6.3 TESTIMONY REVIEW AND JOB PERFORMANCE

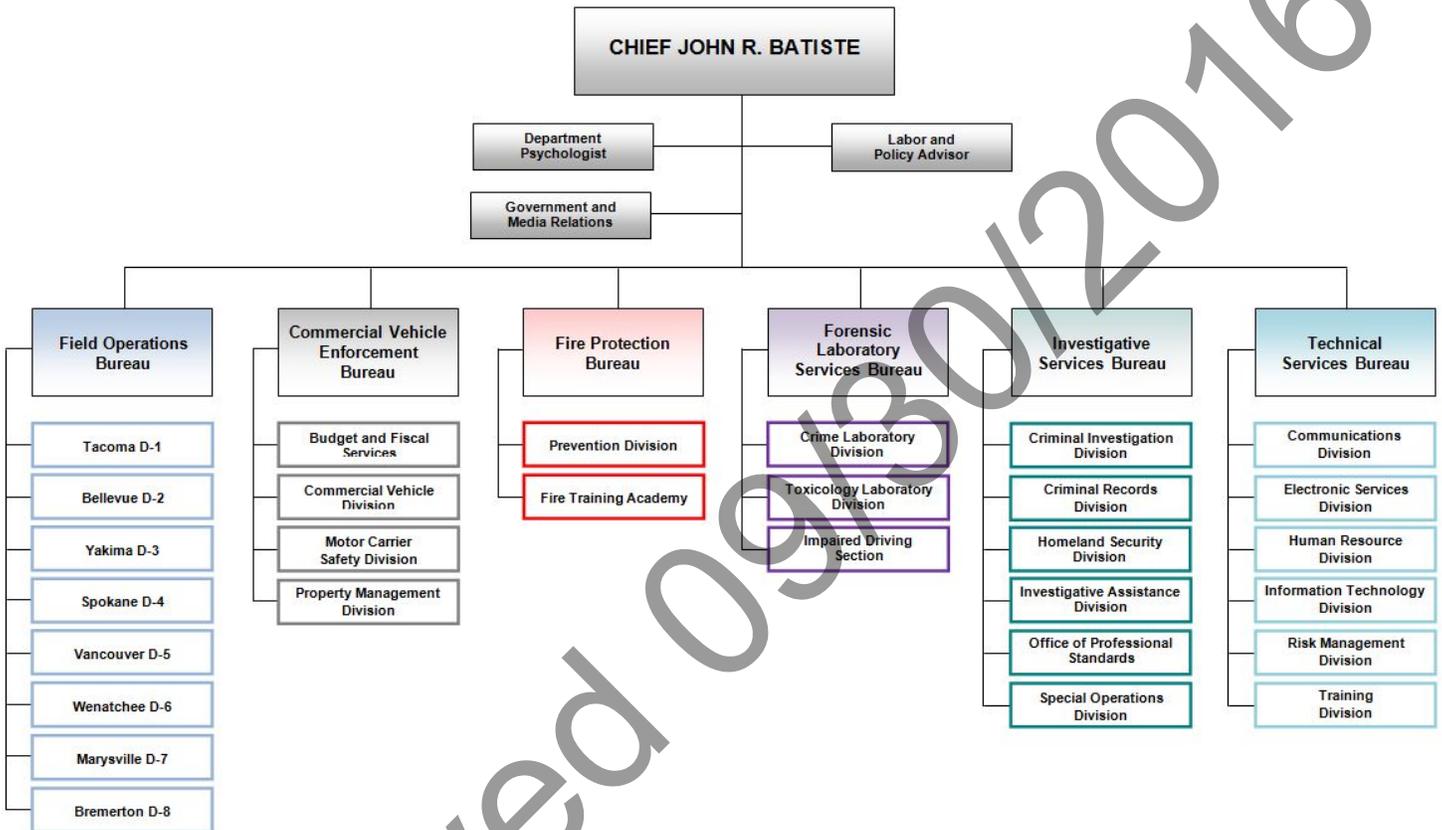
Any problems identified from the review of testimony will be addressed by the supervisor and documented in the employee's supervisory desk file.

The nature of any corrective actions taken should be consistent with the severity of the problem and aimed at the professional development of the employee. Job Performance Improvement (JPIP) plans should include remedial training, and progress must be measured at frequent intervals. Progress, as well as any continued problems, must be documented in the employee's supervisory desk file.

Employees experiencing significant problems in providing competent testimony based upon deficiencies in technical training, errors in calibration work, or other major difficulties shall be removed from calibration work until the matter is resolved.

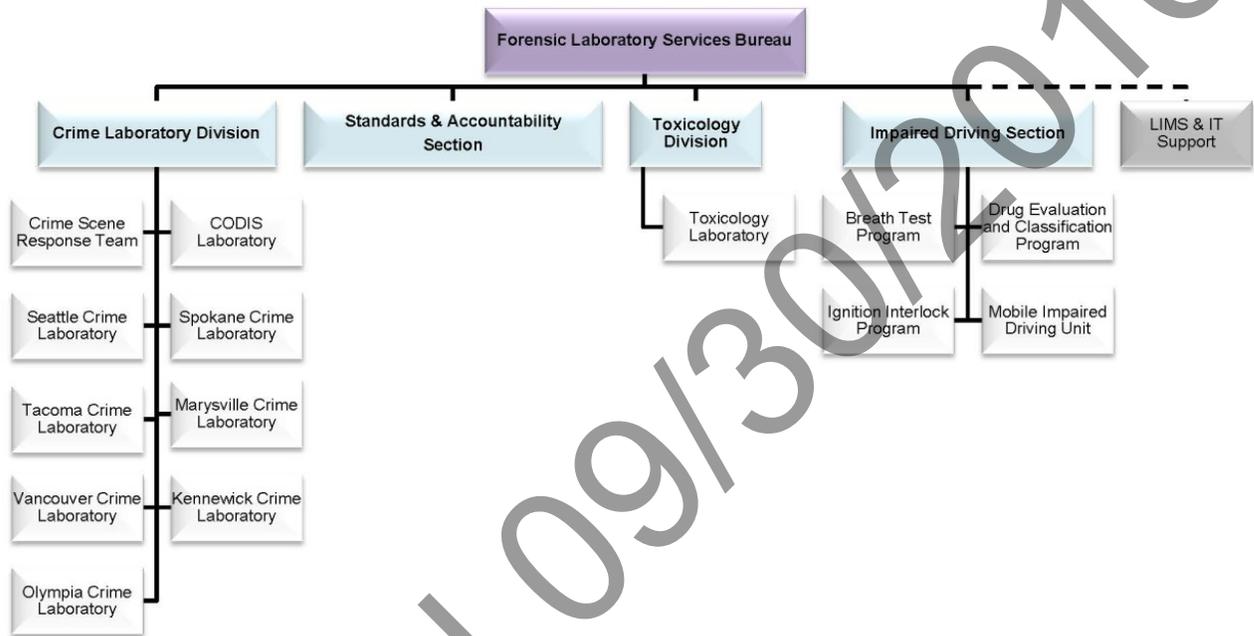
7 APPENDIX A – ORGANIZATIONAL CHARTS

7.1 WASHINGTON STATE PATROL



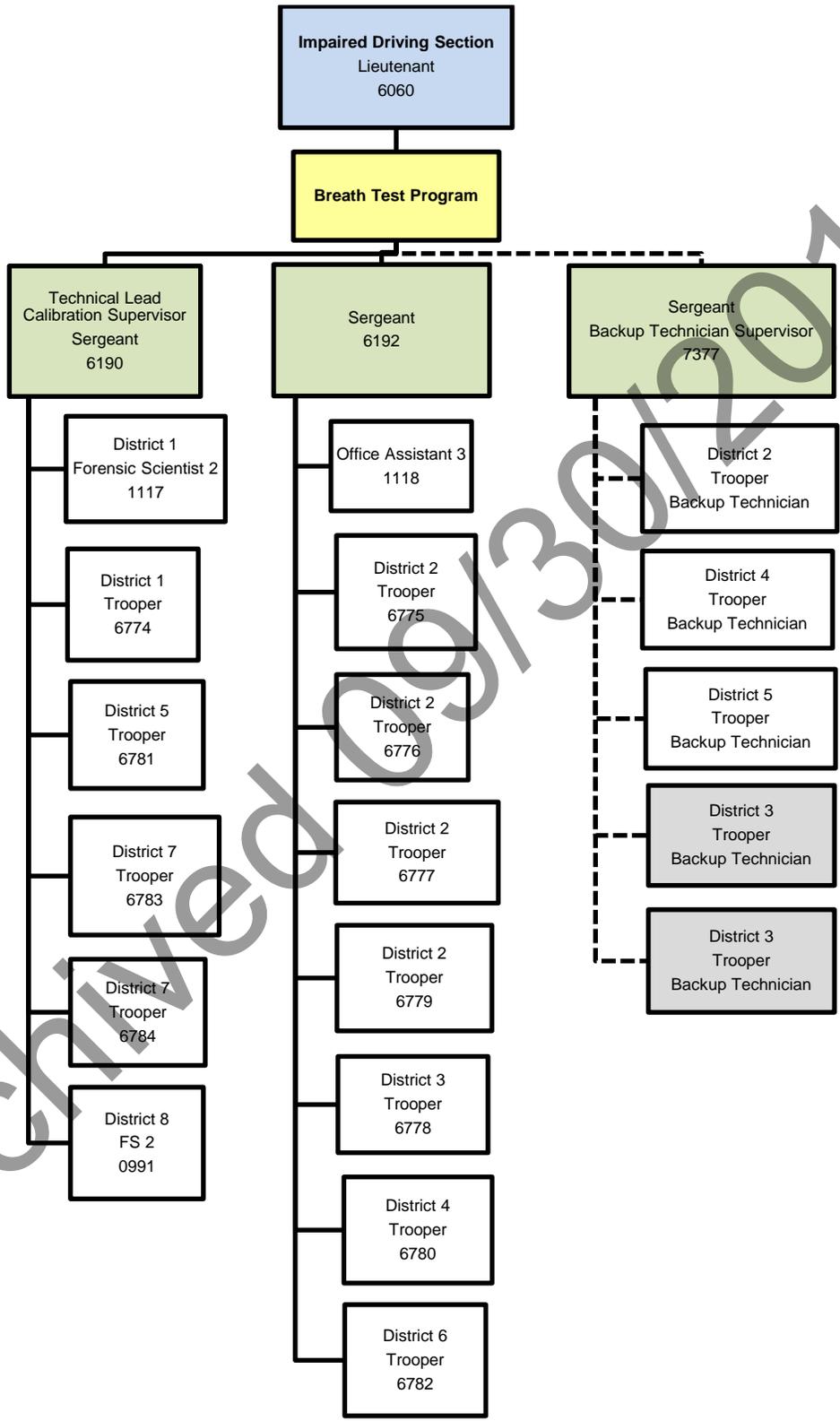
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7.2 FORENSIC LABORATORY SERVICES BUREAU



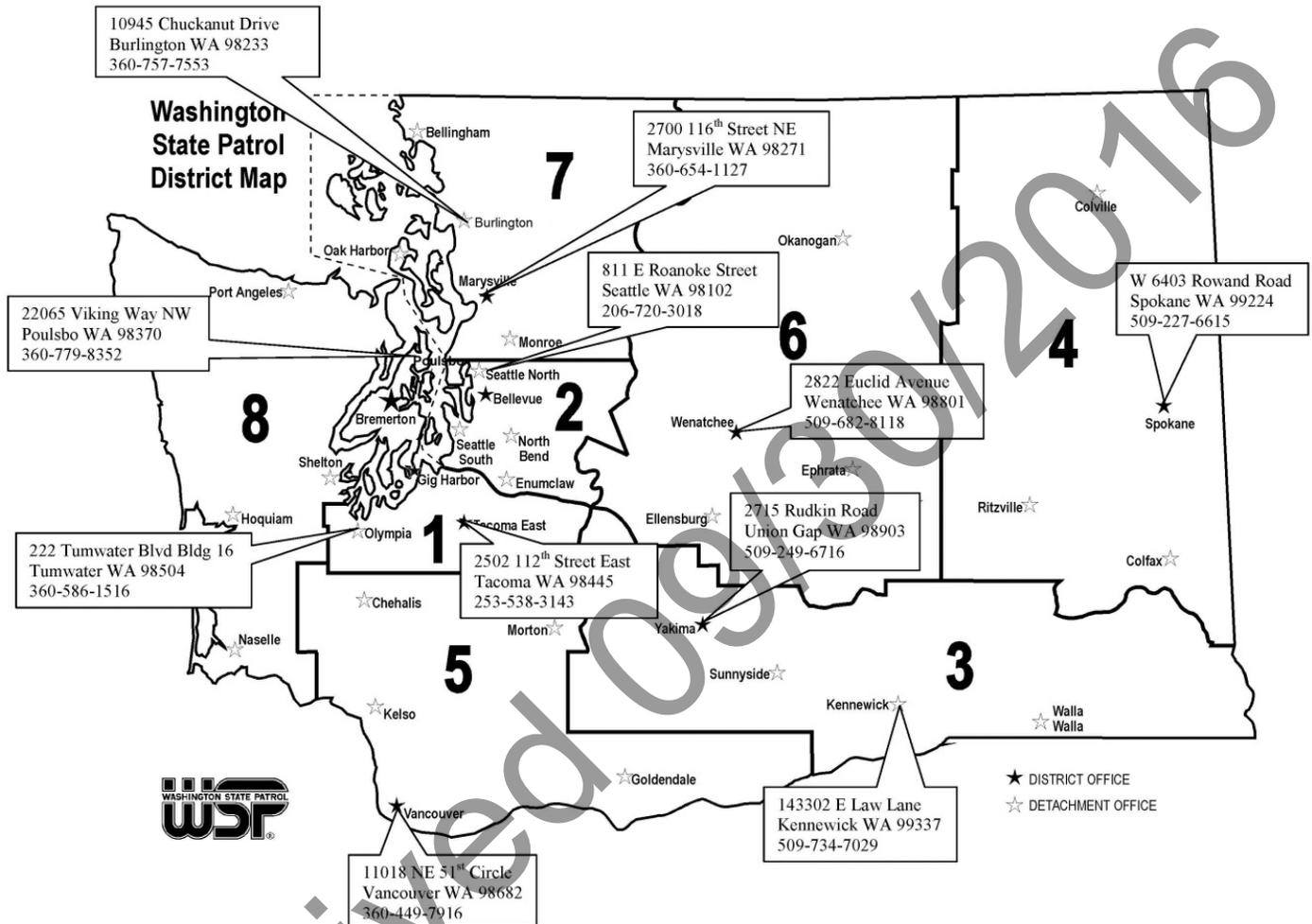
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7.3 BREATH TEST PROGRAM



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8 APPENDIX B – LOCATION OF BTP SATELLITE LABORATORIES



9 APPENDIX C – MINIMUM JOB REQUIREMENTS

FORENSIC SCIENTIST

- A Bachelor of Science degree in forensic science or a natural science, which includes a minimum of 20 semester hours or 30 quarter hours of chemistry, and 5 semester or 8 quarter hours of physics; and
- *Desirable:* One year of full-time paid technical experience in an analytical, research, or crime laboratory. Note: An advanced degree in forensic science or a natural science will substitute for one year of experience in an analytical, research, or crime laboratory.

BREATH TEST TECHNICIAN

- Commissioned Trooper or Forensic Scientist
- Basic knowledge of math, statistics, chemistry, biology, physiology, and electronics
- Completion of evidential breath test instrument training program including Technician, Instructor, and External Standard Changer training.
- *Desirable:* Bachelor of Science degree in one of the natural sciences
- *Desirable:* Field experience with the Breath Test Program

BREATH TEST PROGRAM SUPERVISOR

- Commissioned officer having the RCW rank of Sergeant
- Completion of evidential breath test instrument training program including Technician, Instructor, and External Standard Changer training
- *Desirable:* Bachelor of Science degree in one of the natural sciences
- *Desirable:* Field experience with the Breath Test Program

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