



Fitchburg State University Police Department

Subject: Breathalyzer (BT and PBT)	
Reference: IACLEA: N/A	
MPAC: N/A	
Rescind: N/A	
Effective Date: February 22, 2021	Review Date:
By Order of: Michael J. Cloutier, Chief of Police	

General Order

8.1.3

PURPOSE

This general order provides guidance to department members to ensure that the Fitchburg State University Police Department complies with the regulations set forth by the Massachusetts Office of Alcohol Testing (OAT).

POLICY

It is the policy of the Fitchburg State University Police Department to use the department's breathalyzers in a manner consistent with the laws of the Commonwealth as stated in 501 CMR 2.00, and for the safety and well-being of the campus community.

PROCEDURE

A. Certified Units

1. The Office of Alcohol Testing shall certify all breath test devices used by the Fitchburg State University Police Department. Such certifications shall be valid for one year.
2. A valid certification shall contain the model number, the serial number and the effective date of certification.
3. The breath test device certifications shall be noted on the report created at the completion of a valid breath test. This report shall serve as the certified record of the device and shall be admissible in a court of law.
4. The certified units are:

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- a. Booking Room: Drager Alcotest 9510 serial # ARDD-0018;
- b. Cruiser: Drager Alcotest 6810GB serial # ARMA-0287
- c. Cruiser: Drager Alcotest 6810GB serial # ARMA-0297

B. Officer in Charge (OIC):

1. For each certified breath test device in the Commonwealth, there shall be at least one designated OIC. The OIC(s) shall be responsible for ensuring the breath test device is in proper working order and shall act as the keeper(s) of the records for such device.
2. The name(s) of the designated OIC(s) shall be submitted in writing by the Chief of Police, or designee, to the Office of Alcohol Testing. Any changes in this designation shall also be submitted in writing to the Office of Alcohol Testing.
3. OIC(s) must be certified BTO(s).

C. Certified Users

1. All users of the station's Breathalyzer (Drager 9500) must be certified as a Breath Test Operator through OAT.
2. Users must maintain their certifications and are responsible for renewing it every three years.
3. Users of the Portable Breathalyzers (Drager 6810), do not need to be certified by OAT, but must be trained by a certified user BTO of the department in the use of the PBT.

D. Administration of a Breath Test: Requirements

1. A breath test of an arrestee must be administered in accordance with M.G.L. c. 90, § 24K and 501 CMR 2.00. Neither the statute nor the regulations create an obligation upon law enforcement to administer a breath test to a person who has been arrested for operating a motor vehicle while under the influence of intoxicating liquor or a related offense.
2. An arrestee who has been offered a breath test and who consents to submit to a breath test, shall be administered a breath test using a certified breath test device within a reasonable period of time.
3. The BTO shall observe the arrestee for no less than 15 minutes immediately prior to the administration of the breath test. If the BTO has reason to believe the arrestee has introduced any item into his or her mouth, the 15 minute observation period shall be restarted. Also, if during the test sequence, the breath test device reports the presence of mouth alcohol, the test sequence shall end. The 15 minute observation period shall be restarted and a new test sequence shall be started. This observation period is designed to allow the dissipation of mouth alcohol.

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4. If after being advised of his or her rights and the consequences of refusing to take a breath test, the arrestee refuses to submit to a breath test, none shall be given. The Registry of Motor Vehicles (RMV) shall be notified of such refusal in a format approved by the Registrar. If at any time following an arrestee's initial consent to the breath test and prior to the successful completion of the test, the arrestee refuses to participate or declines to cooperate, the test shall be terminated and it shall be noted as a refusal. If the arrestee fails to supply the required breath samples upon request, the test shall be terminated and it shall be noted as a refusal.
5. If after being advised of his or her rights and the consequences of refusing to take a blood test, the arrestee refuses to submit to a blood test, none shall be given. The Registry of Motor Vehicles (RMV) shall be notified of such refusal in a format approved by the Registrar.

E. When to use the Preliminary or Portable Breath Test

1. The PBT should be deployed whenever alcohol or other drug is suspected in an individual who may be incapacitated as defined in General Order 8.1.2 or has been suspected of operating a motor vehicle while impaired.
2. The PBT should be used in conjunction with other standardized field sobriety tests.
3. The PBT results should not be used as a final determining factor, officers should use the totality of the circumstances, the PBT results, and other articulable factors when determining to arrest or place an individual into custody.
4. If an individual is arrested for operating Under the influence, the station breathalyzer shall also be administered in accordance with section D above.

F. Administering a Preliminary Breath Test

1. Prior to administering a PBT, the officer must ensure that the subject does not have anything in their mouth and that the subject has not smoked recently (within 2 minutes).
2. The officer administering the test will follow the manufacturers operating procedures.
3. The PBT is to be the last field sobriety test administered.

G. Recording PBT results

1. Each PBT will have a Maintenance and Use log. The officer in charge of the PBT is responsible for the proper upkeep of the log.
2. Each PBT result from the field must be documented in both the dispatch log entry and in the officer's report. The documentation of the test shall include:
 - a. PBT test number generated by the unit


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- b. PBT BAC% test result
- c. Test subject name
- d. PBT test date and time
- e. PBT unit # (last 2 number of the serial number)

H. Care and Maintenance

1. The BT/ PBT OIC will be responsible for the periodic test of all machines.
2. Special care shall be taken to ensure that machines are not cleaned with any cleaning product that contains alcohol.
3. Officers are to keep the PBT's, in a warm location in the cruiser, preferably the front passenger compartment.
4. Any problems with the operation of the BT/ PBT will be reported to the department's officer in charge of BT/PBT, and recorded in the maintenance and repair log.

Approval:



Chief of Police

02/22/2021
Date