

PRELIMINARY BREATH TESTING EQUIPMENT

POLICY & PROCEDURE NO. 5.05	ISSUE DATE: 01/01/04
	EFFECTIVE DATE: 01/01/04
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: NONE	REVISION DATE:

I. GENERAL CONSIDERATIONS AND GUIDELINES

The Erving Police Department recognizes the danger of impaired drivers and is committed to prosecuting those violators of M.G.L. c 90-s 24. The purpose of this policy is to:

1. Assist officers in roadside evaluations of drivers and to assist in determining an operator's ability to operate a motor vehicle safely.
2. Assist officers in establishing probable cause to prosecute for violations of M.G.L. c 90-s 24.

II. POLICY

In order to accomplish the purposes outlined above, the procedures listed below shall be adhered to by all department personnel in all cases involving roadside evaluations of suspected impaired motor vehicle operators.

III. PROCEDURES Ref C94-S24 (O.U.I.)

Whenever possible, officers should administer a preliminary breath test (PBT) as part of their roadside sobriety tests; in doing so, the following applies:

1. The officer must be trained in the use of the PBT, in accordance with the guidelines promulgated by the Office of Alcohol Testing (O.A.T.) and/or the Massachusetts Criminal Justice Training Council.

2. The Officer in Charge of the PBT shall adhere to the maintenance and use guidelines as promulgated by O.A.T.
3. The PBT is to be the last field sobriety test offered.
4. The PBT can be administered only with the suspect's consent.
5. All field tests must be entered in the PBT log.
6. Officers shall note the use or refusal of the PBT and will include the results of their arrest report narrative.
7. Only use the PBT in the field and at no time shall the PBT be administered at the booking desk.

IV. PROCEDURES Ref. C111B-S8 (Protective Custody)

Whenever possible, officers should administer a preliminary breath test to individuals where a police officer has probable cause to believe that the individual may be incapacitated due to the use of alcoholic beverages and poses a threat to his/her safety or the safety of the public; in doing so, the following applies:

1. The officer must be trained in the use of the PBT, in accordance with guidelines promulgated by the Office of Alcohol Testing (O.A.T.) and/or the Massachusetts Criminal Justice Training Council.
2. The Officer in Charge of the PBT shall adhere to the maintenance and use guidelines as promulgated by O.A.T.
3. Only administer the PBT with the prior consent of the suspect.
4. Log each test in the PBT log and write it in as a P.C.
5. The first test should be done in the field to see if the individual is incapacitated due to the consumption of alcoholic beverages.