

PRELIMINARY BREATH TEST DEVICE (PBT)

Index Code: 1905.2

Effective Date: 03/22/2016

I. Purpose & Concept of PBT

The purpose of this directive is to establish guidelines on the Preliminary Breath Testing, AKA roadside testing or pre-arrest screening, focuses on the driver who has consumed a sufficient amount of alcoholic beverage to affect his ability to safely drive a motor vehicle. Preliminary Breath Testing means a pre-arrest breath test taken during investigation of a potential DUI violation to obtain an indication of the person's breath alcohol concentration. The PBT is an investigative tool that does not replace the Standard Field Sobriety Tests and an arrest **should not be made** solely based on those PBT results.

II. Policy

It is the policy of the Queen Anne's County Office of the Sheriff to use the Preliminary Breath Test (PBT) and is to be used by the deputy "as a guide for....deciding whether an arrest should be made and may not typically be used as evidence by the State of Maryland for court action." The use of the PBT in DUI detection must be in accordance with 16-205.2 of the Transportation Code and the regulations of the Toxicologist. All deputies who are going to use and or administer a Preliminary Breath Test (PBT) must successfully attend and pass the basic PBT operators class. This class will be instructed by a certified PBT instructor with a 25 question test and a 70% score needs to be obtained on the written exam for passing.

III. Definitions

A. Preliminary Breath Test Device

A portable hand held unit that measures the weight of alcohol on a person's breath.

B. Alco-Sensor I, II or III

This is the **ONLY** approved PBT device allowed to be used in the State of Maryland. All other brands and makes are not approved and shall not be used.

C. MSP 102 Form

This is the Preliminary Breath Test Advisement of Rights. A deputy **must read this form** to all who are offered a PBT. A copy of this form needs to be given to the driver after the deputy completes it.

D. MSP 104 Form, PBT Log

This form is used by the deputies when logging the results of **all enforcement PBT's, offered enforcement PBT's**, calibration adjustments and accuracy checks. **(Please note that no deputies will attempt any calibration adjustments. All actual calibration adjustments will be completed by the Queen Anne's County Office of the Sheriff's PBT supervisor/PBT instructor.)** All deputies need to submit the Form 104 to the Sheriff's Office PBT Instructor/Supervisor in a timely manner with their entire month's documented data on it.

E. MSP Form 34

This form needs to be completed monthly only by the Sheriff's Office PBT instructor and sent to the Maryland State Police, Chemical Testing Alcohol Unit (CTAU).

F. Accuracy Checks

Each deputy who is assigned a PBT is responsible for monthly accuracy checks and is required to be completed **once** a calendar month. The monthly accuracy checks will be completed on the approved wet bath kit that has been approved in the State of Maryland. All accuracy checks must be documented on the MSP Form 104 and later forwarded to the sheriff's office PBT instructor/supervisor. Should the PBT device fail the monthly accuracy check, contact the Sheriff's Office PBT Instructor for further assistance and diagnosis.

G. Wet Bath Simulator:

An approved device used to check the accuracy of the PBT readings.

H. Chemical Solution

An approved Maryland liquid which is used to fill up the Wet Bath Simulator and needs to be changed out every 30 days to insure is highest level of accuracy.

V. CALEA References: 61.1.11

VI. Proponent Unit: Field Operations

VII. Cancellation: None


Sheriff Gary Hoffmann