



Garner Police Department Written Directive

Chapter: 400 - Uniforms/Equipment

Directive: 430.03 - Alcohol Screening Devices

Authorized by: Chief Brandon Zuidema

Effective Date: October 1, 2015

CALEA Standards: Not Applicable

Last Revision: April 1, 2015

430.3.1 - Purpose

The purpose of this directive is to establish guidelines for the use of portable alcohol screening devices.

430.3.2 - Policy

It will be the policy of the Garner Police Department to allow the use of approved alcohol screening devices for legitimate law enforcement purposes. Alcohol screening devices used by the Garner Police Department will be maintained and used in a manner consistent with the rules found in Title 10A of the North Carolina Administrative Code (N.C.A.C.), chapter 41B, subchapters 0501 - 0503.

430.3.3 - Definitions

- A. Alcohol Breath Simulator - A specially designed constant temperature water-alcohol solution bath instrument devised for the purpose of providing a standard alcohol-air mixture.
- B. Alcohol Screening Device (a.k.a. "Alco-sensor") - A portable device suitable for officers to make on scene approximations of a person's blood alcohol concentration.

430.3.4 - Procedures

- A. In accordance with N.C.G.S. 20-16.3, a law enforcement officer may request a driver to submit to an alcohol screening device within a relevant time after the driving if the officer has:
 - 1. Reasonable grounds to believe that the driver has consumed alcohol and has:
 - a. Committed a moving traffic violation, or
 - b. Been involved in a crash.
 - 2. An articulable and reasonable suspicion that the driver has committed an implied consent offense under N.C.G.S. 20-16.2, and the driver has been lawfully stopped for a driver's license check or otherwise lawfully stopped or lawfully encountered by the officer in the course of the performance of the officer's duties.
- B. Officers are authorized to utilize an alcohol screening device for the purpose of determining alcohol consumption if it is an element of a crime being investigated.
- C. Officers are authorized to utilize an alcohol screening device for the purpose of determining blood alcohol concentration of an individual if requested by EMS and/or to determine whether an arrestee will be accepted by jail staff.

D. Procedures for administering an alcohol screening test:

1. The officer will determine that the suspect has removed all food, drink, tobacco products, chewing gum and other substances and objects from his/her mouth. Permanent dental devices that are of non-porous material need not be removed.
2. Unless the suspect volunteers information that he/she has consumed an alcoholic beverage within the previous fifteen (15) minutes, the officer will administer a screening test as soon as feasible. If a test made without observing a waiting period results in an alcohol concentration that is above the identified threshold for the investigation being conducted, the officer will wait five (5) minutes and administer an additional test. If the results of the additional test show an alcohol concentration reading more than 0.02 under the first reading, the officer will disregard the first reading.
3. If an officer has a question concerning any screening test results, the officer may request that the suspect submit to one or more additional screening tests and, if appropriate, wait a reasonable period between tests.
4. In administering any screening test, the officer shall use an alcohol screening device approved under 10A NCAC 41B .0503 in accordance with the operational instructions supplied with the device. The waiting periods set forth by this directive supersede any specified by the manufacturer.
5. All mouth pieces shall be disposed of after each individual breath sample. Under no circumstances shall a mouth piece be used for more than one breath sample.
6. When conducting impaired driving investigations, alcohol screening devices are to be used by officers in addition to officers' observations and other psychophysical tests to develop probable cause. Officers should not rely on the results of screening devices. The results are not admissible in court except to establish probable cause.

430.3.5 - Calibration/Maintenance of Alcohol Screening Devices

- A. Calibration of alcohol screening devices will be verified every 30-day period by employment of a control sample from an alcohol breath simulator, or an ethanol/gas standard.
- B. The device will be deemed properly calibrated when a result of 0.07 or 0.08 is obtained. Results of the calibration should be noted on the Alcohol Breath Simulator Log for Alcohol Screening Test Device.
- C. The Garner Police Department will calibrate alcohol screening devices. The Traffic Safety Sergeant will be responsible for the calibration of all units used by the Department. All Alcohol Breath Simulator Logs are kept on file by the Traffic Safety Unit Sergeant for a period of three years.