



SALEM POLICE DEPARTMENT GENERAL ORDER

PBT USAGE

GO#
PP-12

CALEA STANDARDS:

61.1.10

Date of Issue: 06.17.2021

Rescinds: G.O.# 35-12 Preliminary Breath Testing Device (PBT) Usage and Deployment

Review: 2025

Chapter: Police Practices and Procedures

I. PURPOSE:

The purpose is to establish guidelines for usage, deployment, and maintenance of the preliminary breath testing machines.

II. POLICY:

Officers shall have the option to employ Alco-Sensor FST Preliminary Breath Testing Devices (PBTs) when making arrests and on other occasions where evidence is needed of a subject's breath alcohol content (BrAC).

III. PROCEDURE:

- A. The shift supervisors will have access to the department Alco-Sensor FST Preliminary Breath Testing Devices. There will be one located in the Shift Commander's office to be used upon request while dealing with a subject in or around the building. There will also be another PBT located in the Supervisor's vehicle to be used upon request while dealing with someone in the community. All the remainder of the department's PBT devices will be stored at a location determined by the Officer in Charge of the PBTs or his/her designee(s). Only officers certified in the use of the Alco-Sensor FST may use a PBT.
- B. According to the NH Preliminary Breath Test statute, RSA 265-A:15, prior to administering a PBT, officers shall advise the person being tested of the fact that the administration of a PBT does not prevent or require a subsequent test or tests, pursuant to the Implied Consent Statute (RSA 265-A:4), and that the results of the PBT shall immediately be furnished to the person being tested, by the testing officer, and in writing if requested. To assist officers in advising the person being tested, each PBT device case will have a card stored inside which contains an excerpt of the verbiage from NH RSA 265-A:14. Officers shall read this card verbatim to the person being tested, before administering the test (61.1.10).

- C. Once a PBT is run on a subject, the results of the PBT shall be verbally told to that person immediately and in writing if the subject requests it. All PBT results shall be recorded in the log that will accompany each PBT unit in the field. The mouthpiece shall be changed after every test that is completed or attempted. There will be a five-minute observation period before administering the test to a subject. Officers shall not allow the subject to handle the PBT device. When using the PBT, officers shall remember officer safety at all times and keep their weapon away from the subject.

IV: USAGE OF THE ALCO-SENSOR FST PRELIMINARY BREATH TEST DEVICE:

Officers may use the Alco-Sensor FST Preliminary Breath Test device at their discretion in the following circumstances:

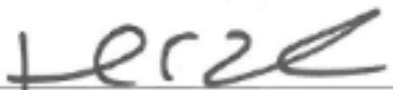
- A. To confirm probable cause for a DWI arrest. Officers should make every effort to first administer field sobriety tests, when possible, prior to using a PBT. Officers can use a PBT after field sobriety tests have been conducted, or in the event it is not possible to administer field sobriety tests (I.E. the driver is injured as a result of a crash and is unable to perform field sobriety tests), an officer may request a driver submit to a PBT, without having administered field sobriety tests, so long as they have reasonable grounds to believe that the driver committed a violation of the DWI laws of this state.
- B. To detect persons who are driving erratically but not under the influence of alcohol, i.e., diabetics, epileptics, persons with head injuries, etc., and obtain immediate medical attention for them.
- C. To assist in ruling out alcohol in detecting drug impaired drivers.
- D. To assist in detection of underage drinkers in cases of internal possession of alcohol.
- E. To assist in detecting commercial vehicle operators driving in violation of CDL license alcohol levels.
- F. To assist in detecting underage vehicle operators driving in violation of underage alcohol levels.
- G. For use in criminal cases to ensure that the suspects are not so impaired by alcohol as to be unable to understand Miranda warnings.
- H. To assist in detecting whether an individual in custody is too impaired to be released on their own.
- I. To assist in detecting whether a beverage contains alcohol.

V: CALIBRATION AND MAINTENANCE:

- A. The officer in charge of the Alco-Sensor FST Preliminary Breath Test devices and/or his designee(s) shall be certified as PBT Instructors by attending the Preliminary Breath Test Instructor course offered by the NH Police Standards and Training Council, or another equivalent training course. These officer(s) having received this training will make sure that the devices are properly calibrated, by conducting an accuracy check every 30 days or 50 tests, whichever comes first. These officer(s) will also check the logs from each machine to make sure that they are blown into every seven days to keep the fuel cell moist. They will keep a log of all calibrations and maintenance on each PBT machine. Copies of the devices' test logs and a copy of the calibration log will be provided to the Prosecutor's Office as needed for court cases.

VI: TRAINING:

- A. Only officers certified in the use of the Alco-Sensor FST shall use the devices. To become certified, officers shall complete the Intoximeters Alco-Sensor FST Operator training course and receive a block of instruction from one of the department's certified PBT Instructors.


Joel P. Dolan
Chief of Police