

# Massachusetts State Police Crime Laboratory

## Office of Alcohol Testing

### Breath Test Instructor, Officer in Charge and Breath Test Operator Training and Program Management



# Table of Contents

1	Introduction.....	3
2	Definitions .....	3
3	Breath Test Operator Database Management.....	3
4	BTO Training Announcements.....	4
5	Breath Test Operator Training.....	4
6	Required BTO Class Training Paperwork to be completed by the BTI.....	6
7	Officer in Charge (OIC) Training .....	7
8	Breath Test Instructor (BTI) Training.....	8

# 1 Introduction

- 1.1 In accordance with M.G.L c. 90, § 24K and 501 CMR 2.00, the Office of Alcohol Testing (OAT) is responsible for establishing the standards for training and certification of Breath Test Operators, and training for Breath Test Instructors and Officers in Charge of breath test devices.
- 1.2 This manual outlines the statewide program for the certification of Breath Test Operators, designation and training of Breath Test Instructors, and training of Officers in Charge.
- 1.3 The breath test device approved for use within the Commonwealth of Massachusetts is the Draeger Alcotest 9510 Breath Test Instrument.

# 2 Definitions

- 2.1 Breath Test Device (BT): an instrument and its components, used as a confirmatory test, that complies with M.G.L. c. 90, § 24K that is capable of quantifying the amount of alcohol in a breath sample or control standard.
- 2.2 Breath Test Instructor (BTI): a breath test operator who has completed the uniform statewide instructor training program.
- 2.3 Breath Test Operator (BTO): a designated individual who has completed the uniform statewide training and certification program. Only a certified breath test operator can administer a breath test.
- 2.4 Control Standard: a sample of known alcohol concentration used to demonstrate the breath test device is operating properly.
- 2.5 Director: the Director of the Massachusetts Department of State Police Crime Laboratory, who shall be appointed by the Colonel.
- 2.6 Officer in Charge (OIC): a breath test operator responsible for maintaining the breath test device and breath test documentation. The Officer in Charge is the keeper of the breath test records for instruments assigned to his or her individual department or barracks.

# 3 Breath Test Operator Database Management

- 3.1 Each BT within the Commonwealth maintains a database of currently certified BTOs.
  - 3.1.1 BTO certification is required to administer a 90-24 Implied Consent Test, 90B Implied Consent Boating Test, and the Protective Custody Test. Certification is NOT required to enter Refusals or perform training tests.
  - 3.1.2 A BTO certification is valid for 3 years. Upon expiration, the BT will automatically prevent the BTO from performing tasks that require BTO certification unless their BTO certification is renewed.
- 3.2 OAT personnel are responsible for updating the Operator Database maintained in each BT with any additions, deletions, or changes, as communicated to OAT by law enforcement or BTIs. Additionally, OAT personnel are responsible for updating the database based on results obtained from the BTO online recertification platform.

3.2.1 Any updates made to the Operator Database shall be routinely sent to all BTs connected to the BT network.

3.3 A User ID list for each department will be maintained by OAT and can be provided along with the Breath Test Operator User List Form (ID: 52247) upon request.

## **4 BTO Training Announcements**

4.1 OAT requests notification of all BTO training classes prior to being held. OAT is not responsible for the scheduling of BTO classes.

4.2 Training class notifications shall be made using the BTO Class Announcement Form (ID: 52157) and forwarded to [oatbtoprogram@mass.gov](mailto:oatbtoprogram@mass.gov).

4.3 If available, grant-funded training opportunities shall be publicly posted by OAT.

4.3.1 Requests to attend grant-funded classes shall be processed by OAT to ensure compliance with grant requirements.

4.3.2 OAT will generate the Certification Roster (ID: 52303) for these classes to be used by the BTI(s) during the training. This roster must be completed and returned to OAT after the training is complete.

4.3.3 If requested by the BTI, OAT can provide contact information for the attendees on the Certification Roster.

## **5 Breath Test Operator (BTO) Training**

5.1 The purpose of the BTO training is to provide a thorough understanding of M.G.L. c. 90, § 24K, 501 CMR 2.00 and any applicable legal rulings, and how to operate the Draeger 9510 breath test instrument in order to administer a valid breath test.

5.2 A Breath Test Instructor (BTI) shall teach this training. OAT maintains a list of active BTIs. This list is available to the Municipal Police Training Committee (MPTC), the State Police Academy, and any other relevant party.

5.3 BTIs must ensure that all BTOs have met the training requirements set forth in this manual before submitting the BTO certification paperwork to OAT to update the Operator Database.

5.4 Certification requires the successful completion of both a breath test practical and a written exam. Upon successful completion of both of these portions, the BTI shall complete and sign the BTI Class Checklist (ID: 52283), which includes a written recommendation for the BTO trainee to become a certified BTO.

- 5.5 BTO certification is valid for 3 years from the successful completion of the practical.
- 5.5.1 Failure to comply with the requirements of M.G.L. c. 90, § 24K, 501 CMR 2.00, or the breath alcohol testing or training procedures established by OAT may result in the revocation of the BTO's certification.
- 5.6 Participants training to be BTOs are personnel within law enforcement appointed by their agencies (e.g., chief of police or commanding officer).
- 5.6.1 For participants who have never been certified before, BTO training shall consist of in-person instruction presented in a classroom setting by a BTI.
- 5.6.2 For BTO re-certification, training may consist of either an in-person course or an online recertification course. Participation in online recertification is only available to current BTOs whose certification has not yet expired.
- 5.7 Materials presented in this training shall be current, approved OAT materials.
- 5.8 The in-person training program consists of:
- 5.8.1 Presentation of the OAT Breath Test Operator's Manual for the Draeger Alcotest 9510 (ID: 3332).
- 5.8.2 A written examination based on information provided during the presentation. A grade of 80% or higher must be achieved to pass.
- 5.8.3 A practical examination consisting of a breath test performed by the BTO trainee using the Training Test function on the BT.
- 5.9 The online training program, <https://mspbtocertification.com>, consists of:
- 5.9.1 An interactive training presentation
- 5.9.2 An online assessment
- 5.9.2.1 Two attempts at this assessment are permitted. A grade of 80% or higher must be achieved to pass.
- 5.9.3 A practical examination consisting of a breath test performed by the BTO using the Training Test function on the BT.
- 5.9.3.1 The practical must be completed after the online portion of recertification and before the BTO's current certification expiration date.
- 5.9.3.2 The Breath Test Report Form of the practical must be signed by the BTO and sent to [oahtbtoprogram@mass.gov](mailto:oahtbtoprogram@mass.gov) to be processed by OAT.

## **6 Required BTO Class Training Paperwork**

- 6.1 It is the responsibility of the BTI(s) to ensure all paperwork supporting the certification of each BTO is complete and accurate. Incomplete, inaccurate, or insufficient documentation by the BTI will be returned to the BTI for correction prior to OAT processing the information for entry into the Operator Database.
- 6.2 OAT shall provide the BTI with a BTI Class Checklist (ID: 52283) listing all required documentation that must be completed for return to OAT. The completed checklist shall be submitted to OAT with the required class paperwork, listed below:
  - 6.2.1 Certification Roster (ID: 52303)
    - 6.2.1.1 This roster contains the name for each participant and the signature of the participant confirming their name and presence at the class.
    - 6.2.1.2 Any observers present and/or BTI-in-training shall be indicated on the form and shall include their signature next to their legibly printed name.
  - 6.2.2 Written examination (ID: 67391) As technology allows, this exam may be taken and graded electronically.
    - 6.2.2.1 There shall be one exam for each participant, graded properly. A passing score is at least 80% (20/25 correct).
    - 6.2.2.2 For exams in paper format, both the instructor and the attendee's signature shall be present on the exam.
    - 6.2.2.3 For electronic exams, sufficient documentation shall be retained to demonstrate that each participant took an exam and received a passing score.
  - 6.2.3 Practical examination
    - 6.2.3.1 The practical is a successfully completed breath test administered by the BTO trainee and shall be conducted as a Training Test. This test shall be signed, as would be required on a valid subject breath test.
    - 6.2.3.2 The BTO's name on the Training Test should match the name present on the Certification Roster, (Rob vs. Robert; Jr. or Sr.; Deborah vs. Deb) however, the name used on the Training Test shall be the name used in the Operator Database.
    - 6.2.3.3 The Breath Test Report Form of the practical exam must be signed by the BTO trainee. If the trainee does not sign the Breath Test Report Form, this may constitute a failure.
  - 6.2.4 One Breath Test Instructor Evaluation Form (ID: 52277) is required to be completed by each BTO trainee for all Grant funded BTO classes.
- 6.3 Upon submission of class paperwork to OAT, personnel shall review all documents for completeness.
  - 6.3.1 Incomplete or inaccurate documentation by the BTI will be returned to the BTI for correction.

6.3.2 BTO trainees whose paperwork is not found to be in compliance with the requirements as stated in this manual may not be certified and may be required to attend and successfully complete another BTO class for certification.

6.3.2.1 OAT will inform any BTO trainee, their OIC (if applicable), and/or the class's BTI(s) that they have failed the class and that the trainee will need to attend another BTO class.

6.4 Attendees who successfully completed the written exam and practical shall be updated in the Operator Database.

6.4.1 For new MSP BTOs who do not have an Operator ID, their ID shall be SP[State Police ID#].

6.4.2 For new non-MSP BTOs who do not have an Operator ID, a new ID shall be provided by OAT.

## **7 Officer in Charge (OIC) Training**

7.1 As per M.G.L. c. 90, § 24K and 501 CMR 2.10, the OIC shall serve as the keeper of the records for their assigned devices.

7.2 An OIC is responsible for general oversight and maintenance of their assigned BT(s) in the field, ensuring that it is in proper working order.

7.3 The OIC Training Program prepares and instructs a currently certified BTO on how to serve as the OIC.

7.4 Each certified Draeger Alcotest 9510 breath test instrument deployed for use in the field shall have at least one OIC designated to it.

7.4.1 An OIC may be responsible for multiple breath test instruments.

7.5 Requirements for becoming an OIC:

7.5.1 An OIC shall be a current certified BTO who has been designated by their agency.

7.5.1.1 The Officer in Charge (OIC) Designation Form (ID: 3414), signed by an agency head, shall be forwarded to OAT, and retained on file. All OICs for a given department or agency shall be listed on one form.

7.5.1.2 Each subsequent OIC Designation Form submitted shall supersede all previously submitted forms for that department/agency.

7.5.2 An OIC shall have completed the OIC training before being granted OIC level access in the Operator Database.

7.6 The OIC Training shall consist of, but is not limited to the following:

7.6.1 An orientation to the Office of Alcohol Testing's facility in Maynard, Massachusetts,

7.6.2 Familiarization of the responsibilities as an OIC, as defined per M.G.L. c. 90, § 24K, 501 CMR 2.00,

- 7.6.3 A thorough demonstration of all components of the Draeger Alcotest 9510 instrument,
- 7.6.4 An understanding of the OIC's tasks and responsibilities, including serving as the keeper of the records, ordering supplies, monitoring BTOs status within their agency, and serving as the department's OAT liaison,
- 7.6.5 An understanding of the BT Certification/Certification Appointment process and responsibilities,
- 7.6.6 Correctly installing calibration standards and conducting periodic tests,
- 7.6.7 Troubleshooting, error messages, and repairs,
- 7.6.8 How to handle BATS Data Correction and BATS Data Not Transmitted forms and issues,
- 7.6.9 Understanding the basics of eDiscovery.
- 7.7 At the conclusion of the training, the OIC trainee must independently and accurately perform a periodic test on a BT. This periodic test, along with documentation of their training, is retained by OAT to support their status as an OIC.
- 7.8 Upon the successful completion of training, the status of the BTO will be upgraded by OAT to the OIC access level in the Operator Database.
- 7.9 Failure to comply with the requirements of M.G.L. c. 90, § 24K, 501 CMR 2.00 or the breath alcohol testing requirements established by OAT may result in the revocation of the OIC status.

## **8 Breath Test Instructor (BTI) Training**

- 8.1 The BTI training prepares and instructs a currently certified BTO how to provide the BTO training and certify other individuals to be BTOs.
- 8.2 BTI training shall only be conducted by a currently designated Senior BTI.
  - 8.2.1 To be considered for designation as a Senior BTI an individual must satisfy the following prerequisites:
    - 8.2.1.1 Have taught, at a minimum, 5 BTO classes in the previous 12 months.
    - 8.2.1.2 Have consistently submitted complete and accurate BTO Class Training paperwork.
  - 8.2.2 Any interested individual requesting to be designated a Senior BTI shall submit a to/from letter to the Director of the MSPCL outlining their qualifications. The Director of the MSPCL shall decide if the requesting individual will be designated as a Senior BTI.
    - 8.2.2.1 To maintain status as a Senior BTI, the Senior BTI shall teach at least three BTO classes per year.
  - 8.2.3 OAT maintains a list of all active Senior BTIs. This list is available to the Municipal Police Training Committee (MPTC), the State Police Academy, and any other relevant party.



- 8.3 BTI trainees will be trained in the operation of the Draeger Alcotest 9510 breath test instrument and will be updated on current procedures and case law.
- 8.3.1 Senior BTIs shall accept and evaluate recommendations for BTI trainees. Upon approval of the recommendation, the Senior BTI shall be responsible for the training of the trainee.
- 8.4 BTI training shall include, but is not limited to:
- 8.4.1 Instruction on how to schedule a BTO training.
- 8.4.2 Familiarization with the OAT Breath Test Operator's Manual for the Draeger Alcotest 9510 (ID: 3332) and its presentation.
- 8.4.3 Evaluation of the practical exam taken during the BTO class.
- 8.4.4 Administration of the BTO written exam, including grading and remediation for unsuccessful exams.
- 8.4.5 Familiarization with all required documentation that must be submitted to OAT by the BTI at the conclusion of a training class and how to ensure this documentation is accurate and complete.
- 8.4.6 Observation of, at minimum, two BTO classes taught by current BTIs. Documentation of these observations shall be on the roster for the classes observed.
- 8.4.7 The BTI trainee shall instruct, at minimum, one entire BTO class under the oversight of the BTI trainer. The Senior BTI shall evaluate the ability of the BTI trainee to appropriately present the subject matter. This evaluation shall be documented. If there are areas of improvement that are recommended, it is at the discretion of the Senior BTI to determine if the trainee shall participate in further BTO trainings.
- 8.5 At the completion of the BTI training, the Senior BTI will determine whether the trainee should be recommended for designation as a BTI. A summary of the BTIs training, all supporting training documentation, and a letter of recommendation shall be submitted to OAT by the Senior BTI.
- 8.5.1 All supporting documentation and the record of a BTIs training shall be retained by OAT.
- 8.6 Based on the recommendation and review of supporting documentation, the MSPCL Director may designate the trainee as a BTI.
- 8.6.1 Upon acceptance of the BTI trainee as a BTI, the trainee shall be notified of their status and added to the list, maintained by OAT, of active BTIs.
- 8.6.2 Failure to comply with the requirements of M.G.L. c. 90, § 24K, 501 CMR 2.00 or the breath alcohol testing or training requirements established by OAT may result in the revocation of the BTI designation by the MSPCL Director.
- 8.6.3 Once designated as a BTI, they may maintain this status as long as:
- 8.6.3.1 They possess current BTO certification.

8.6.3.1.1 BTIs that are co-teaching a class may be recertified as a BTO provided they complete the exam and practical on the date of the class. They must be listed on the roster as a trainee and their documentation must be reviewed by another BTI instructing the class.

8.6.3.2 Have taught at least one BTO class within a year.

8.6.3.3 Are still an active officer within the Commonwealth of Massachusetts.

8.7 OAT maintains a list of all active BTIs. This list is available to the Municipal Police Training Committee (MPTC), the State Police Academy, and any other relevant party.