

# Breath Test Operator's Manual

Prepared by the Massachusetts State Police  
Office of Alcohol Testing

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 1 of 168

1

---

---

---

---

---

---

---

---

**This program is funded by  
the Executive Office of  
Public Safety and Security  
(EOPSS) and in accordance  
with 501 CMR 2.00.**

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 2 of 168

2

---

---

---

---

---

---

---

---

Massachusetts State Police  
Crime Laboratory  
Office of Alcohol Testing

124 Acton Street  
Maynard, MA 01754  
Main (857) 377-3030  
Fax (857) 377-3035  
Email: POL-DL-OAT@mass.gov

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 3 of 168

3

---

---

---

---

---

---

---

---

OAT receives several inquiries per week

- These may include questions regarding any invalid tests such as “Mouth Alcohol” or “Interferent Detected” messages or instrument related-inquiries
- Inquiries may also include requests for information or questions about Discovery materials
- Requests for materials can be emailed to:

[OATDiscoveryRequest@pol.state.ma.us](mailto:OATDiscoveryRequest@pol.state.ma.us)

BUT...please be advised that materials are also available through the [eDiscovery Portal](#).

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 4 of 168

4

---

---

---

---

---

---

---

---

## eDiscovery Portal

MOST Breath Test records generated by OAT are available through the [eDiscovery Portal](#)

Records can be accessed through the following website:

<https://oatediscovery.chs.state.ma.us>

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 5 of 168

5

---

---

---

---

---

---

---

---

## Training Requirements

### Breath Test Operator Certification

- Class is taught by BT Instructor
- Must successfully complete written exam
- Must successfully complete a Training Test on a Draeger Alcotest 9510
- Certificates or Letters of Certification are not issued. Proof of Operator Certification is found on the Breath Test Report form per 501 CMR 2.07 (4).

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 6 of 168

6

---

---

---

---

---

---

---

---

## Breath Test Operator Certification

- Certification is valid for 3 years from the date of class
  - Can be certified again any time within the 3 year certification period, but OAT suggests recertification within the six months before your expiration date.
- Certification is still valid if you change departments or if you work for more than one department
  - Must contact OAT by email advising of change.
- No extensions are granted
  - Expired means EXPIRED, no exceptions.
  - You cannot conduct breath tests if you are expired.
  - Expired operators may enter a Refusal.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 7 of 168

7

---

---

---

---

---

---

---

---

## Breath Test Operator Certification

### Breath Test Operator Recertification

- Web-based online recertification is available for qualified BTO's.
- Online recertification, including completion of the Training Test practical, must be successfully completed BEFORE the BTO's expiration date.

<https://mspbtcertification.com>

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 8 of 168

8

---

---

---

---

---

---

---

---

## Breath Test Operator Certification

Under no circumstances are you allowed to use another operator's ID to administer a breath test!

Doing so may result in the revocation of your BTO privileges.

**Do NOT use any operator ID other than your own!**

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 9 of 168

9

---

---

---

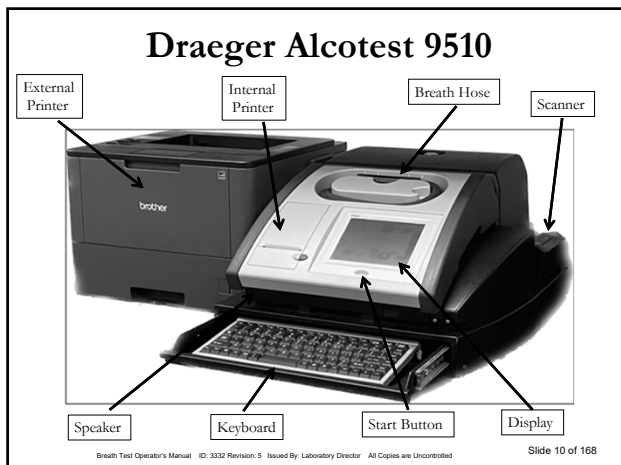
---

---

---

---

---



10

---

---

---

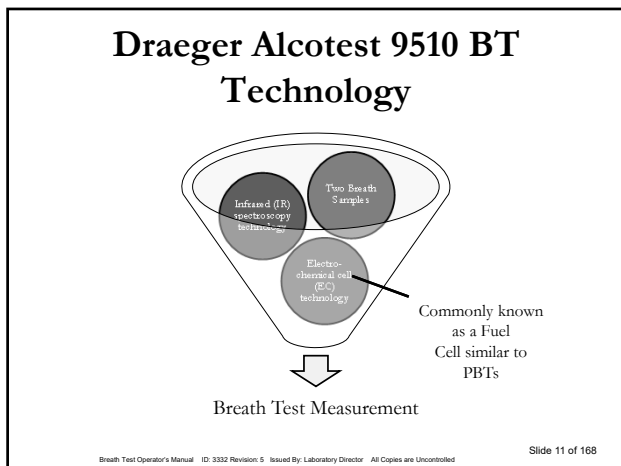
---

---

---

---

---



11

---

---

---

---

---

---

---

---

### MGL C90 s24K

- Chemical analysis of the breath of a person CHARGED with a violation of this chapter shall not be considered valid under the provisions of this chapter, unless such analysis has been performed by a certified operator, using infrared breath-testing devices according to methods approved by the Secretary of Public Safety.
  - 1) Certified Operator
  - 2) Infrared Device (Draeger 9510)
  - 3) Approved Methods

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 12 of 168

12

---

---

---

---

---

---

---

---

## MGL C90 s24K continued

- Approved Methods:
  - Test Sequence
    - One adequate breath sample analysis
    - One calibration standard analysis
    - One second adequate breath sample analysis
  - No use of alcohol-based cleaners
    - Contact your OIC for cleaning guidance.
  - Uniform form
  - Sequential test number

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 13 of 168

13

---

---

---

---

---

---

---

## Elements c90 s24

- Operation of a Motor Vehicle
- Public way
- Under the Influence of Alcohol – Two Ways to Prove the Offense.....

With BAC 0.08% or greater (Per Se)

OR

Impairment

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 14 of 168

14

---

---

---

---

---

---

---

## Impairment

- Still must prove “under the influence”
  - Diminished capacity to safely operate...
- One charge – OUI alcohol
- Regardless of BAC level

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 15 of 168

15

---

---

---

---

---

---

---



## Statutory Rights and Consent Form

STATUTORY RIGHTS AND CONSENT FORM – EVIDENTIARY SAMPLE OF ☒ BREATH OR ☐ BLOOD

Arrestee: John Q. Public Date: July 16, 2023 (Check One)

The arrestee was advised of the following (Sections 1 – 10):

1. You have been arrested for an Operating Under the Influence of Alcohol offense and are guaranteed certain rights.

- Record the Arrestee's Name
- Record the Date

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 19 of 168

19

---

---

---

---

---

---

---

---

## Statutory Rights and Consent Form

STATUTORY RIGHTS AND CONSENT FORM – EVIDENTIARY SAMPLE OF ☒ BREATH OR ☐ BLOOD

Arrestee: John Q. Public Date: July 16, 2023 (Check One)

The arrestee was advised of the following (Sections 1 – 10):

1. You have been arrested for an Operating Under the Influence of Alcohol offense and are guaranteed certain rights.

Begin reading the form to the Arrestee.

- The arrestee was advised of the following (Sections 1 – 10):
1. You have been arrested for an Operating Under the Influence of Alcohol offense and are guaranteed certain rights.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 20 of 168

20

---

---

---

---

---

---

---

---

## Right to a Telephone

2. You shall be permitted the use of a telephone at your own expense to communicate with your family or friends, or arrange for release on bail, or engage the services of an attorney. Such use may be postponed until your consent or refusal has been documented on this form. Regardless, the use of a telephone shall be permitted within one hour of your arrival.

2. You shall be permitted the use of a telephone at your own expense to communicate with your family or friends, or arrange for release on bail, or engage the services of an attorney. Such use may be postponed until your consent or refusal has been documented on this form. Regardless, the use of a telephone shall be permitted within one hour of your arrival.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 21 of 168

21

---

---

---

---

---

---

---

---

## Right to a Telephone

2. You shall be permitted the use of a telephone at your own expense to communicate with your family or friends, or arrange for release on bail, or engage the services of an attorney. Such use may be postponed until your consent or refusal has been documented on this form. Regardless, the use of a telephone shall be permitted within one hour of your arrival.

**RIGHT TO A TELEPHONE** General Laws Ch. 276, Sec. 33A: The police official in charge of the station or other place having a telephone wherein the person is held in custody, shall permit the use of the telephone at the expense of the arrested person, for allowing the arrested person to communicate with his family or friends, or to arrange for release on bail, or engage the services of an attorney. Any such person shall be informed forthwith upon his arrival at such station or place of detention, of his right to use the telephone, and such use shall be permitted within one hour thereafter.

MSP Form Number 329 July 14, 2023

### Massachusetts General Laws Ch. 276, Sec. 33A

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 22 of 168

22

---

---

---

---

---

---

---

---

## Right to a Telephone

General Laws Ch. 276, Sec. 33A:

The police official in charge of the station or other place of detention having a telephone wherein a person is held in custody, shall permit the use of the telephone, at the expense of the arrested person, for the purpose of allowing the arrested person to communicate with his family or friends, or to arrange for release on bail, or to engage the services of an attorney. Any such person shall be informed forthwith upon his arrival at such station or place of detention, of his right to so use the telephone, and such use shall be permitted within one hour thereafter.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 23 of 168

23

---

---

---

---

---

---

---

---

## Right to A Doctor

3. You have the right, at your request and your expense, to be examined immediately by a physician of your choosing. You shall be afforded a reasonable opportunity to exercise this right, but the test process will not be delayed pending this examination.

3. You have the right, at your request and your expense, to be examined immediately by a physician of your choosing. You shall be afforded a reasonable opportunity to exercise this right, but the test process will not be delayed pending this examination.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 24 of 168

24

---

---

---

---

---

---

---

---



## Right to A Doctor

**RIGHT TO A DOCTOR** General Laws, Ch. 263, Sec. 5A: A person held in custody at a police station or other place of detention, charged with operating a motor vehicle while under the influence of intoxicating liquor, shall have the right, at his request and at his expense, to be examined immediately by a physician selected by him. The police official in charge of such station or place of detention, or his designee, shall inform him of such right immediately upon being booked, and shall afford him a reasonable opportunity to exercise it. Such person shall, immediately upon being booked, be given a copy of this section unless such a copy is posted in the police station or other place of detention in a conspicuous place to which such person has access.

- General Laws, Ch. 263, Sec. 5A: A person held in custody at a police station or other place of detention, charged with operating a motor vehicle while under the influence of intoxicating liquor, shall have the right, at his request and at his expense, to be examined immediately by a physician selected by him.
- The police official in charge of such station or place of detention, or his designee, shall inform him of such right immediately upon being booked, and shall afford him a reasonable opportunity to exercise it.
- Such person shall, immediately upon being booked, be given a copy of this section unless such a copy is posted in the police station or other place of detention in a conspicuous place to which such person has access.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 25 of 168

25

---

---

---

---

---

---

---

---

## Right to a Doctor, cont.

• **Commonwealth v. Hampe**, 419 Mass. 514 (1995) – A police officer's decision to hold a defendant charged with OUI overnight rather than calling a bail commissioner was inappropriate. A defendant is entitled to obtain a blood test and because evidence is fleeting, time is of the essence.

• **Commonwealth v. King**, 429 Mass. 169 (1999) - The police have no obligation to help him in exercising right. The police are required to afford the defendant a "reasonable opportunity" to exercise right. However, if the bail magistrate fails to conduct a bail hearing promptly this frustrates the defendant's right to an independent medical examination.

• **Commonwealth v. Mandell**, 61 Mass. App. Ct. 526 (2004) - A defendant charged with OUI drugs does not have a right (either statutory or constitutional) to an independent medical exam under G.L. c. 263, §5A.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 26 of 168

26

---

---

---

---

---

---

---

---

## Request to Consent to an Evidentiary Test

4. I am requesting that you consent to an ☒ evidentiary breath test / ☐ evidentiary blood draw and test (check one) to determine your blood alcohol concentration.

- Check the appropriate box for Section 4 and read the correct corresponding statement.

4. I am requesting that you consent to an evidentiary breath test to determine your blood alcohol concentration.

OR

4. I am requesting that you consent to an evidentiary blood draw and test to determine your blood alcohol concentration.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 27 of 168

27

---

---

---

---

---

---

---

---

## Comm. vs Alano, 388 Mass. 871, 448 N.E. 2d 1122 (1983)

*Commonwealth v. Alano*, 388 Mass. 871, 448 N.E. 2d 1122 (1983). No constitutional or statutory right to a breath test. The police need only inform the defendant of his right to independent examination and allow him access to a telephone.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 28 of 168

28

---

---

---

---

---

---

---

---

## Right to Operate a Motor Vehicle

- The following sections concern your right to operate a motor vehicle:

### The following sections concern your right to operate a motor vehicle:

5. Drivers UNDER Age 21: If you refuse this test, your license or right to operate in Massachusetts shall be suspended for a period of 3 years up to life. If your blood alcohol concentration is .08 or above, you are in violation of Massachusetts law and may face criminal penalties. If your blood alcohol concentration is .02 or above, the Registry of Motor Vehicles will impose administrative penalties against you. If you take the test and fail, the suspension period is 30 days, however you will also face an additional suspension of 180 days up to 1 year imposed by the Registry of Motor Vehicles.
6. Drivers Age 21 or OVER: If you refuse this test, your license or right to operate in Massachusetts shall be suspended for a period of 180 days up to life. If your blood alcohol concentration is .08 or above, you are in violation of Massachusetts law and may face criminal penalties. If you take the test and your blood alcohol concentration is .08 or above, the suspension period is 30 days.
7. If you decide to take the test, you will have the right to a comparison blood test within a reasonable period of time at your own expense. The results of a comparison blood test may be used to restore your license or right to operate at a court hearing within 10 days.
8. Refusal or failure to consent to take this evidentiary test is a violation of the Implied Consent Law and will result in your right to operate a motor vehicle being suspended. Refusing this test and requesting some other type of test is deemed a refusal under the law.
9. Additionally, whether you hold a Commercial Driver's License (CDL) or not, anyone who fails to submit to this required test shall be disqualified from driving a commercial motor vehicle for a period of 1 year up to life.
10. If you were operating a motor vehicle that was transporting a hazardous material required to be placarded, the CDL disqualification for refusal shall be for 3 years. If you have been previously convicted of a disqualifying offense as described in federal CDL regulations or in state law, the CDL disqualification shall be for life.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 29 of 168

29

---

---

---

---

---

---

---

---

## Right to Operate a Motor Vehicle

5. **Drivers UNDER Age 21:** If you refuse this test, your license or right to operate in Massachusetts shall be suspended for a period of 3 years up to life. If your blood alcohol concentration is .08 or above, you are in violation of Massachusetts law and may face criminal penalties. If your blood alcohol concentration is .02 or above, the Registry of Motor Vehicles will impose administrative penalties against you. If you take the test and fail, the suspension period is 30 days, however you will also face an additional suspension of 180 days up to 1 year imposed by the Registry of Motor Vehicles.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 30 of 168

30

---

---

---

---

---

---

---

---

## Right to Operate a Motor Vehicle

6. **Drivers Age 21 or OVER:** If you refuse this test, your license or right to operate in Massachusetts shall be suspended for a period of 180 days up to life. If your blood alcohol concentration is .08 or above, you are in violation of Massachusetts law and may face criminal penalties. If you take the test and your blood alcohol concentration is .08 or above, the suspension period is 30 days.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 31 of 168

31

---

---

---

---

---

---

---

---

## License Suspensions

SUSPENSION	IF 21 OR OVER CLASS D OPERATOR	IF UNDER 21 CLASS D OPERATOR
Refusal Suspension	180 days or up to life	3 years or up to life
Fail the Test Suspension	30 days	30 days
Additional Suspension	Not Applicable	MGL c90 s24P – 180 days to 1 year

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 32 of 168

32

---

---

---

---

---

---

---

---

## Comparison Blood Test

7. If you decide to take the test, you will have the right to a comparison blood test within a reasonable period of time at your own expense. The results of a comparison blood test may be used to restore your license or right to operate at a court hearing within 10 days.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 33 of 168

33

---

---

---

---

---

---

---

---

## Implied Consent Law

8. Refusal or failure to consent to take this evidentiary test is a violation of the Implied Consent Law and will result in your right to operate a motor vehicle being suspended. Refusing this test and requesting some other type of test is deemed a refusal under the law.

The type of evidentiary test being requested is dependent upon the location of custody, whether it be a hospital or police station / barracks.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 34 of 168

34

---

---

---

---

---

---

---

---

## Commercial Driver's License

9. Additionally, whether you hold a Commercial Driver's License (CDL) or not, anyone who fails to submit to this required test shall be disqualified from driving a commercial motor vehicle for a period of 1 year up to life.
10. If you were operating a motor vehicle that was transporting a hazardous material required to be placarded, the CDL disqualification for refusal shall be 3 years. If you have been previously convicted of a disqualifying offense as described in federal CDL regulations or in state law, the CDL disqualification shall be for life.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 35 of 168

35

---

---

---

---

---

---

---

---

## Commercial Driver's License

### ■ Operating a commercial vehicle

If you stop a CDL motor vehicle and you detect the odor of an alcoholic beverage while you are asking for the driver's license and registration, you can place the subject out of service per MGL 90F as well as the CFR. SFSTs should then be administered to the operator.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 36 of 168

36

---

---

---

---

---

---

---

---

## Commercial Driver's License

### ■ Operating a non-commercial vehicle

The 0.04 %BAC threshold for CDL suspension only applies where the CDL operator is driving a commercial vehicle and submits to a required test of breath or blood.

### ■ CDL operator refusal

If an operator holds a CDL license and refuses a chemical test, his Class D license is suspended for six months up to life. The operator will face an additional suspension for such refusal as it applies to his CDL license. These suspensions apply whether the subject was operating a commercial vehicle or a non-commercial vehicle.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 37 of 168

37

---

---

---

---

---

---

---

---

## Consent to Submit to the Evidentiary Test

Having been advised and understanding the above, do you consent to submit to the  
☒ evidentiary breath test / ☐ evidentiary blood draw and test (check one)  
that I am requesting to determine your blood alcohol concentration?

☒ Yes ☐ No

Time of Consent or Refusal

22:35

- Check the box for the type of test being requested, either an “evidentiary breath test” or an “evidentiary blood draw and test”.
- Check the “Yes” box if the arrestee consents or check the “No” box if the arrestee refuses to consent.
- Record the “Time of Consent or Refusal”.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 38 of 168

38

---

---

---

---

---

---

---

---

## Consent to Submit to the Evidentiary Test

I have read and understood this Statutory Rights and Consent Form.

Arrestee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Arresting Officer or Breath Test Operator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Refusal Witness: \_\_\_\_\_ Date: \_\_\_\_\_  
(Must be different than officer who signed above)

- The arrestee signs and dates that they have read and understood the form and either consent to or refuse the evidentiary test.
- The arresting officer or BTO that read the form to the arrestee signs and dates the form.
- If the arrestee refuses to consent, a 3<sup>rd</sup> party must also sign and date the form that they witnessed the Refusal.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 39 of 168

39

---

---

---

---

---

---

---

---

## Refusal to Answer - Example

- A subject is arrested for OUI alcohol and brought back to the station's booking room. The officer reads the Statutory Rights and Consent form to the subject. When he reaches the section asking the subject to consent to a chemical test, the subject refuses to answer until he can exercise his "right to call an attorney".

*Commonwealth v. Brazelton*, 404 Mass. 783 (1989) –

A defendant does not have a constitutional right to confer with his attorney before deciding whether to submit to the test because the moment at which a defendant has to decide to take or refuse the test is not a critical stage in the criminal process.

*Commonwealth v. Neary-French*, 475 Mass. 167 (2016) –

Reaffirms Brazelton post-Melanie's Law.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 40 of 168

40

---

---

---

---

---

---

---

---

## Refusal Witness

- An officer must have a witness if the subject refuses the evidentiary test.
- This witness can be any party, sworn or civilian, who is present and aware of the refusal.
- The RMV and courts require the name of this witness.
- The witness must sign and date the Statutory Rights and Consent form and their name will be entered into the Breath Test Instrument by the Breath Test Operator.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 41 of 168

41

---

---

---

---

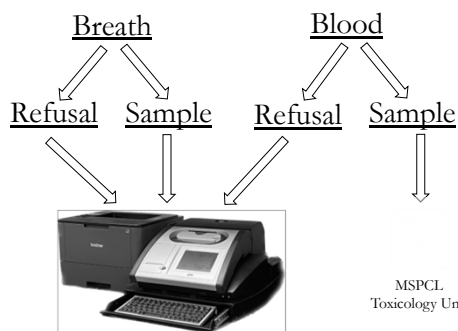
---

---

---

---

## Breath or Blood Test



Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 42 of 168

42

---

---

---

---

---

---

---

---

## Administering the BT Test

- Breath Test Instrument location
  - To administer a Breath Test, a certified breath test operator can use the BT instrument at his barracks or department, as well as neighboring agencies upon request.
  - Your certification and login are valid on any 9510 instrument in Massachusetts

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 43 of 168

43

---

---

---

---

---

---

---

---

## The Main Screen



- Instrument designed to be left on at all times.
- Push the green button.
  - 6-8 minute “WARM-UP”.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 44 of 168

44

---

---

---

---

---

---

---

---

## The Main Screen



- If “PER. TEST REQUIRED”, “CONTACT OAT”, or “DISABLED” is displayed:
  - No test can be performed.
  - Contact OIC.
  - Transport the subject to neighboring department or barracks to administer breath test and restart the 15 minute observation period again upon your arrival.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 45 of 168

45

---

---

---

---

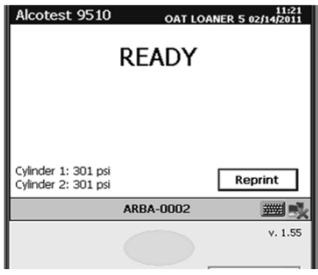
---

---

---

---

### Breath Test Sequence



- Once the display states “READY,” a breath test can begin.
  - Push the green button.
  - Follow the prompts on the touch screen display.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 46 of 168

46

---

---

---

---

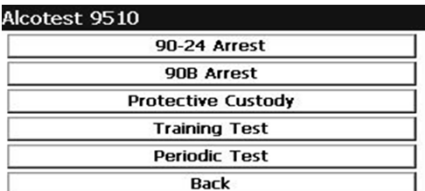
---

---

---

---

### Test Menu



- Select 90-24 Arrest to:
  - Administer an evidentiary breath test to a defendant who has been arrested for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor pursuant to Ch. 90, S. 24.
  - Report a breath or blood test refusal.
  - NOTE: This is a “live” breath test; the information IS reported to the RMV.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 47 of 168

47

---

---

---

---

---

---

---

---

### Operator I.D.'s

- Operator IDs can have up to 7 Characters.
- Each OIC has a list of operator IDs.
- State Police unchanged. Ex- “SP1235” or “SP0143”.
- Boston P.D. unchanged. Ex- BP1234 or BP0123.
- Local departments-combination of CJIS Agency Code + 4 characters. Ex- “ AUB1234 or AUB12CS”.
- Passwords- **NO PASSWORD IS REQUIRED. Press enter to skip over password prompt.**

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 48 of 168

48

---

---

---

---

---

---

---

---



### Operator ID

- Certified Operator: Access to initiate BT and Refusal tests
  - Enter OAT-issued ID
  - **Leave Password Blank**
- Uncertified Operator: Access to enter Refusal data only
- Select OK Button (not shown) to accept.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 49 of 168

49

---

---

---

---

---

---

---

---

### Log-In Confirmation

- Information box validates Breath Test Operator (BTO) identification.
- “Are you this operator?”
  - If “No” – prompt returns to Operator ID and Password “Login”
  - If “Yes” – Breath Test Operator (BTO) data is auto-populated

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 50 of 168

50

---

---

---

---

---

---

---

---

### Navigation Buttons

- Navigation buttons direct the program.
  - Stop – can be used at anytime to terminate a test
  - Prev. - scroll back to previous prompt
  - Summary - directs to review screen
  - Done – moves onto the next screen
- Notice that the keyboard and printer icons are revealed indicating that both are attached and ready.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 51 of 168

51

---

---

---

---

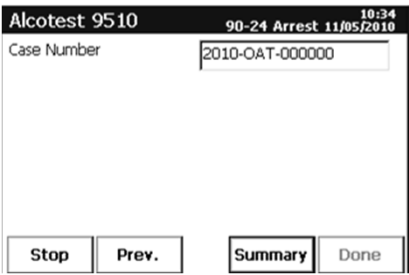
---

---

---

---

### Case Number



- Select “Done” button or “Summary” button.
  - Optional field
- State Police should enter RAMS number.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 52 of 168

52

---

---

---

---

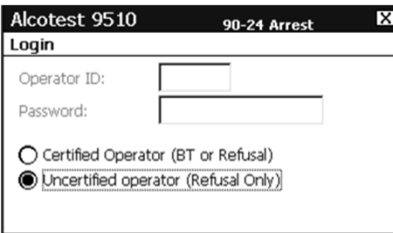
---

---

---

---

### Uncertified Operator Login



- Pursuant to Chap.90 sec.24, any Police Officer, certified or not certified, can enter Refusal data.
  - Uncertified operators will be required to enter their identifying information.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 53 of 168

53

---

---

---

---

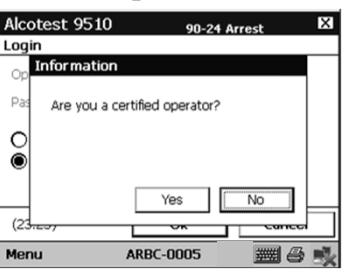
---

---

---

---

### Uncertified Operator Confirmation



- Asks if you are an uncertified operator.
  - If “No” – uncertified operators need to enter operator information manually
  - If “Yes” – certified operators should use their operator ID

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 54 of 168

54

---

---

---

---

---

---

---

---

### BTO Summary Screen

Alcotest 9510 10:35 90-24 Arrest 11/05/2010

BTO First Name  
JUSTIN  
BTO Middle Initial  
E  
BTO Last Name  
SZETO  
BTO Phone Number  
978-392-4050  
BTO Department  
OAT

Stop Save

Scroll down to review data

- Certified BTO: Operator ID info defaults to primary department.
  - Editable fields, double tap on the item to make the changes.
    - BTO Phone Number
    - BTO Department
    - BTO Department Officer ID Number
- Verify auto-populated data and select “Save” button.
- Uncertified BTO: Verify manually entered data & select “Save”.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 55 of 168

55

---

---

---

---

---

---

---

---

### Summary Screens

- Selecting “Save” before verifying data activates an information box stating “Please verify all entered data. Scroll down.”

Alcotest 9510 11:11 90-24 Arrest 11/05/2010

Date of Arrest  
11  
Tov  
Ar  
Arre  
NO  
Arre  
C2  
Arre  
De

Information

! Please verify all entered data.  
Scroll down.

OK

ARBC-0005

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 56 of 168

56

---

---

---

---

---

---

---

---

### Subject Licensed

Alcotest 9510 10:41 90-24 Arrest 11/05/2010

Subject Licensed

☒ YES ☐ NO

- Does the arrested subject have a license?
  - Does not mean “license in possession”.
  - Check RMV for assigned A or X number.
  - Includes licenses that are suspended or revoked.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 57 of 168

57

---

---

---

---

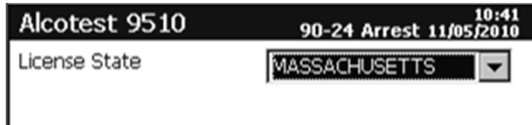
---

---

---

---

## License State



- Defaults to Massachusetts.
- Drop down box if Out-of-State License.
  - Touch down arrow on screen.
    - “Foreign License” and “No License” tabs available
  - Select letter key (ex: “C” for Connecticut).

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 58 of 168

58

---

---

---

---

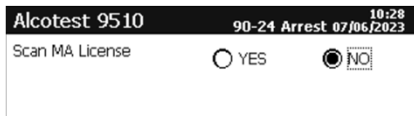
---

---

---

---

## Scan MA License



- 9510 only scans MA Licenses.
- MA licenses issued after 2016 will not populate in the BT and the information must be entered MANUALLY.
- If an out-of-state license, “Scan” prompt does not appear and data must be entered manually.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 59 of 168

59

---

---

---

---

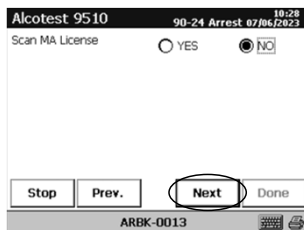
---

---

---

---

## Scan MA License



- Once you select “YES” or “NO”, you must press “Next” in order to proceed to the next screen.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 60 of 168

60

---

---

---

---

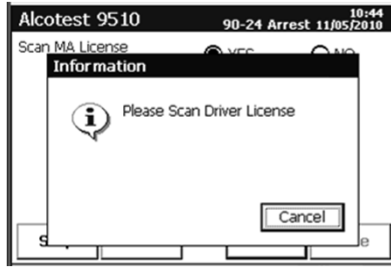
---

---

---

---

## Please Scan Driver License



- Place the driver's license in the scanner with the 2D barcode facing the BT.
- Pull license out of scanner.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 61 of 168

61

---

---

---

---

---

---

---

---

## Verifying License Data

A screenshot of the Alcotest 9510 interface. At the top, it displays 'Alcotest 9510' and '90-24 Arrest 11/05/2010' with a clock showing '10:45'. Below this is a 'Subject Last Name' field containing the text 'SMITH'.

- Confirm data for accuracy with license.
- Hyphenated names are accepted, no corrective action is necessary.
  - Example: *Smith-Jones* is acceptable.
- To Make Corrections:
  - Backspace to delete and enter new data manually.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 62 of 168

62

---

---

---

---

---

---

---

---

## Verifying License Data

A screenshot of the Alcotest 9510 interface. At the top, it displays 'Alcotest 9510' and '90-24 Arrest 11/05/2010' with a clock showing '10:46'. Below this are two fields: 'Subject First Name' containing 'JOHN' and 'Subject Middle Initial' containing 'Q'.

- Confirm for Accuracy.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 63 of 168

63

---

---

---

---

---

---

---

---

### Verifying License Data

**Alcotest 9510** 11:18  
Training Test 11/21/2019

Subject Gender ☐ MALE ☐ FEMALE ☒ X

**Alcotest 9510** 10:48  
90-24 Arrest 11/05/2010

Subject Date Of Birth

- The non-binary gender code, “X”, is now available on all field instruments. Please select this option when a subject identifies themselves as non-binary.
- DOB is still entered as 2 character month; 2 character day; 4 character year (MMDDYYYY).
- No need to enter forward slashes (/).

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 64 of 168

64

---

---

---

---

---

---

---

---

### Verifying License Data

**Alcotest 9510** 10:48  
90-24 Arrest 11/05/2010

Subject Street Address

**Alcotest 9510** 10:49  
90-24 Arrest 11/05/2010

Subject City

- Use CURRENT address.
  - Do not assume address on license is correct.
  - RMV no longer provides white tape to change address information on back of license.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 65 of 168

65

---

---

---

---

---

---

---

---

### Verifying License Data

**Alcotest 9510** 10:49  
90-24 Arrest 11/05/2010

Subject State  ▼

**Alcotest 9510** 10:50  
90-24 Arrest 11/05/2010

Subject Zip Code

- Subject State can be entered using drop down box or entering the letter key to the state desired.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 66 of 168

66

---

---

---

---

---

---

---

---

### Verifying License Data

Alcotest 9510
90-24 Arrest 11/05/2010
10:50

License Number

S12345678

- This field can be up to 20 characters.
  - MA licenses limited to 9 characters.
  - Out of State licenses up to 20 characters.
- Check for RMV assigned “S”, “SA”, “A”, or “X” number.

Alcotest 9510
90-24 Arrest 11/05/2010
10:51

License Expires

11/12/2012

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 67 of 168

---

---

---

---

---

---

---

---

67

### Verifying License Data

Alcotest 9510
90-24 Arrest 11/05/2010
10:51

Restrictions

BH

- Massachusetts “Restricted Hours” licenses.
  - Not always auto-filled after scanning. Enter information manually.
  - Example - Restriction “H” (AKA “Cinderella” licenses).
    - Two additional prompts for Restriction ‘H’ that need to be entered manually:
      - FROM: “HH:MM” (ex. FROM: 08:00) (Military Time)
      - TO: “HH:MM” (ex. TO: 20:00) (Military Time)

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 68 of 168

---

---

---

---

---

---

---

---

68

### Verifying License Data

Alcotest 9510
90-24 Arrest 11/05/2010
10:53

License Class

D

- If not “D” or “M”, then following prompt will be displayed:

Alcotest 9510
90-24 Arrest 11/05/2010
10:55

CDL License

☒ YES

☐ NO

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 69 of 168

---

---

---

---

---

---

---

---

69

### Verifying License Data

Alcotest 9510
90-24 Arrest 11/05/2010
10:56

Operating CDL Vehicle

☒ YES
 ☐ NO

- If “YES”, then following questions are displayed:
  - **VEH. REQUIRES HAZMAT PLACARD** ☐ Yes ☐ No
  - **OPER. PLACED OUT OF SERVICE** ☐ Yes ☐ No

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 70 of 168

---

---

---

---

---

---

---

---

70

### Operator Placed Out of Service – CDL Vehicle

Alcotest 9510
90-24 Arrest 11/05/2010
10:56

Operator Placed Out of Service

☒ YES
 ☐ NO

- If “Operator Placed Out of Service” is **YES**.
  - Instrument prints “**24 Hr. Out of Service**” notice upon completion.
- If “Operator Placed Out of Service” is **NO**.
  - Instrument prints “**24 Hr. Out of Service**” notice upon completion with **any detectable amount** of alcohol if “**Operating CDL Vehicle**” question was answered **YES**.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 71 of 168

---

---

---

---

---

---

---

---

71

### Subject Summary

Alcotest 9510
90-24 Arrest 11/05/2010
10:57

Subject Licensed
▲

YES

License State

MASSACHUSETTS

Scan MA License

NO

Subject Last Name

SMITH

Subject First Name

JOHN

▼

- Scroll down verifying data for accuracy.
- Once “Save” is selected, no changes can be made.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 72 of 168

---

---

---

---

---

---

---

---

72



**Public Way**

**Alcotest 9510** 10:58  
90-24 Arrest 11/05/2010

Public Way
☒ YES

■ **ONE ELEMENT OF THE CRIME**

■ A public way is defined as any street or highway that is open to the public. In addition, a place to which the public has right of access, or any place to which members of the public have access as invitees or licensees.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 73 of 168

73

---

---

---

---

---

---

---

---

**Operation**

**Alcotest 9510** 10:58  
90-24 Arrest 11/05/2010

Observed Driving
☐ YES ☒ NO

**Alcotest 9510** 10:59  
90-24 Arrest 11/05/2010

Operation Proven By
WITNESS STATEMENT

■ **ANOTHER ELEMENT OF THE CRIME**

■ Actual Observation – select “YES”

■ Other Proof of Operation – select “NO”

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 74 of 168

74

---

---

---

---

---

---

---

---

**Arresting Officer's Observations**

**Alcotest 9510** 11:00  
90-24 Arrest 11/05/2010

Unsteady on Feet
☒ YES ☐ NO

**Alcotest 9510** 11:00  
90-24 Arrest 11/05/2010

Slurred Speech
☒ YES ☐ NO

**Alcotest 9510** 11:00  
90-24 Arrest 11/05/2010

Glassy Eyes
☒ YES ☐ NO

**Alcotest 9510** 11:01  
90-24 Arrest 11/05/2010

Bloodshot Eyes
☒ YES ☐ NO

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 75 of 168

75

---

---

---

---

---

---

---

---

### Arresting Officer's Observations

Alcotest 9510

90-24 Arrest 11/05/2010 11:01

Odor    ☐ STRONG ☐ MODER. ☐ SLIGHT ☒ NO

- “UNSTEADY ON FEET,” “SLURRED SPEECH,” “GLASSY EYES,” “BLOODSHOT EYES,” “ODOR”
  - Arresting officer's observations, NOT BTO's observation.
  - Printed in middle portion of “BATS - Completion Record” in the “Breath Test – Arresting Officer Observation Report”.
    - This is discoverable. Must be included in paperwork provided to ADA.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 76 of 168

76

---

---

---

---

---

---

---

---

### Arresting Officer's Observations

Alcotest 9510

90-24 Arrest 11/05/2010 11:02

Crash    ☒ YES ☐ NO

Alcotest 9510

90-24 Arrest 11/05/2010 11:02

PBT    ☐ PASS ☒ FAIL ☐ N/A

- Additional “Arresting Officer Observations”.
- PBT should be reported in written report.
  - Last SFST, Pass/Fail and Numerical Result (ex: 0.102).
  - Report as “Fail” if PBT reading is 0.060% or higher.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 77 of 168

77

---

---

---

---

---

---

---

---

### Arresting Officer's Observations

Alcotest 9510

90-24 Arrest 11/05/2010 11:03

Other Grounds for Arrest    

SFST INDICATE IMPAIRMENT

- Enter the observed signs of impairment in this field.
  - SFST indicate impairment
  - Crossed Dbl Yellow
  - Marked Lanes Violation
- Max. 24 character in this mandatory field.
- “Arresting Officer Observation” report is used by RMV Hearings Officers and is subject to scrutiny in a court of law as a discoverable document.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 78 of 168

78

---

---

---

---

---

---

---

---

## Officer Observation Summary

Alcotest 9510	90-24 Arrest 11/05/2010	11:03
Public Way	YES	
Observed Driving	NO	
Operation Proven By	WITNESS STATEMENT	
Unsteady on Feet	YES	
Slurred Speech	YES	

- Scroll down verifying data for accuracy.
- Once “Save” is selected, no changes can be made.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 79 of 168

79

---

---

---

---

---

---

---

---

## Date & Town of Arrest

Alcotest 9510	90-24 Arrest 11/05/2010	11:04
Date of Arrest	11/05/2010	

Alcotest 9510	90-24 Arrest 11/05/2010	11:04
Town of Arrest	AYER	

- Confirm for Accuracy.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 80 of 168

80

---

---

---

---

---

---

---

---

## Arresting Officer

Alcotest 9510	90-24 Arrest 11/05/2010	11:05
Arresting Officer Same as BTO	<input checked="" type="radio"/> YES <input type="radio"/> NO	

- Select “YES”
  - If Arresting Officer same as BTO.
  - Officer data will auto-populate.
- Select “NO”
  - If Arresting Officer is NOT the same as the BTO.
  - Manually enter Arresting Officer's data.
  - Be sure to use full proper names.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 81 of 168

81

---

---

---

---

---

---

---

---

### Arresting Officer

<b>Alcotest 9510</b> <span style="float: right;">11:06 90-24 Arrest 11/05/2010</span>	
Arresting Officer ID	C2367

<b>Alcotest 9510</b> <span style="float: right;">11:07 90-24 Arrest 11/05/2010</span>	
Arresting Officer Department	DEVENS

<b>Alcotest 9510</b> <span style="float: right;">11:08 90-24 Arrest 11/05/2010</span>	
Arresting Officer Last Name	JONES

<b>Alcotest 9510</b> <span style="float: right;">11:08 90-24 Arrest 11/05/2010</span>	
Arresting Officer First Name	THOMAS

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 82 of 168

82

---

---

---

---

---

---

---

---

### Refusal Consequences

<b>Alcotest 9510</b> <span style="float: right;">11:09 90-24 Arrest 11/05/2010</span>	
Advised Subject of Refusal Consequences	<input checked="" type="radio"/> YES

<b>Alcotest 9510</b> <span style="float: right;">11:09 90-24 Arrest 11/05/2010</span>	
Advised Subject of CDL Refusal Consequences	<input checked="" type="radio"/> YES

- Completing the Statutory Rights and Consent Form satisfies these two prompts.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 83 of 168

83

---

---

---

---

---

---

---

---

### Arresting Officer Summary

<b>Alcotest 9510</b> <span style="float: right;">11:10 90-24 Arrest 11/05/2010</span>	
Date of Arrest 11/05/2010 Town of Arrest AYER Arresting Officer Same as BTO NO Arresting Officer ID C2367 Arresting Officer Department DEVENS	<div style="border: 1px solid black; height: 100px; position: relative;"> <div style="position: absolute; top: -10px; right: 0;">▲</div> <div style="position: absolute; bottom: -10px; right: 0;">▼</div> </div>

- Scroll down verifying data for accuracy.
- Once "Save" is selected, no changes can be made.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 84 of 168

84

---

---

---

---

---

---

---

---

## Test Type

Alcotest 9510	90-24 Arrest 11/05/2010	11:12
Test Type	<input checked="" type="radio"/> BT TEST	<input type="radio"/> REFUSAL

- Select "BT Test" to continue with breath test.
- Select "Refusal" if subject refuses; then proceed to refusal questions.
  - REFUSAL TYPE
  - TOWN OF REFUSAL
  - DATE OF REFUSAL
  - REFUSAL WITNESS

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 85 of 168

85

---

---

---

---

---

---

---

---

## Refusal Questions

Alcotest 9510	90-24 Arrest 11/05/2010	11:14
Refusal Type	<input checked="" type="radio"/> BREATH	<input type="radio"/> BLOOD

Alcotest 9510	90-24 Arrest 11/05/2010	11:14
Town of Refusal	DEVENS	

Alcotest 9510	90-24 Arrest 11/05/2010	11:15
Date of Refusal	11/05/2010	

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 86 of 168

86

---

---

---

---

---

---

---

---

## Refusal Questions

Alcotest 9510	90-24 Arrest 11/05/2010	11:16
Refusal Witness Last Name	KENT	

Alcotest 9510	90-24 Arrest 11/05/2010	11:16
Refusal Witness First Name	CLARK	

- Refusal Witness must be a third party, but can be sworn officer or civilian.
  - Cannot be Subject Name or Refusal Officer.
  - The instrument will not allow the witness to be the same as the Refusal officer.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 87 of 168

87

---

---

---

---

---

---

---

---

### Test Type Summary

Alcotest 9510
90-24 Arrest 11/05/2010
11:16

Test Type  
REFUSAL  
Refusal Type  
BREATH  
Town of Refusal  
DEVENS  
Date of Refusal  
11/05/2010  
Refusal Witness Last Name  
KENT

- Scroll down verifying data for accuracy.
- Once “Save” is selected, no changes can be made.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 88 of 168

---

---

---

---

---

---

---

---

---

---

88

### Observation Period

Alcotest 9510
90-24 Arrest 11/05/2010
11:18

Subject Observed 15  
Minutes

☒ YES
☐ NO

- Only select “Yes” if the mandatory 15-minute observation period has occurred.
  - Remember, there **MUST** be a 15-minute observation period **PRECEDING** the breath test.
- 501 CMR 2.13(3) states “The BTO shall observe the arrestee for no less than 15 minutes immediately prior to the administration of the breath test.”

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 89 of 168

---

---

---

---

---

---

---

---

---

---

89

### Observation Period

Alcotest 9510
90-24 Arrest 11/05/2010
11:18

Subject Observed 15  
Minutes

☐ YES
☒ NO

Alcotest 9510
90-24 Arrest 11/05/2010
11:19

Do You Want a 15 Minute  
Countdown Timer?

☒ YES
☐ NO

- If the 15 minute observation period has not occurred, select “NO”.
- The next screen will ask “Do You Want a 15 Minute Countdown Timer?”.
  - Select “Yes” and the BT will begin a countdown.
  - Select “No” and the prompts will then revert back to the “Test Type” screen.
- This countdown timer is not reflected on the BT ticket. This event should be reflected in your report.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 90 of 168

---

---

---

---

---

---

---

---

---

---

90

## Observation Period

- To document the observation START time, you should:
  - Use the time located on the display of the BT instrument.
  - Document it in your written arrest report.
- You may use the “Time of Consent or Refusal” from the Statutory Rights and Consent Form but this is not required.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 91 of 168

91

---

---

---

---

---

---

---

## Observation Summary



- Remember - the BT does not print the start of the 15 minute observation period. This should be included in the officer's written report.
- Scroll down verifying data for accuracy.
- Once “Save” is selected, no changes can be made.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 92 of 168

92

---

---

---

---

---

---

---

## The Observation Period

- What is the purpose of the 15 minute observation period?
  - To allow for the dissipation of mouth alcohol.
- 501 CMR 2.13(3) further states “If the BTO has reason to believe the arrestee has introduced any item into his or her mouth, the 15 minute observation period shall be restarted.”

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 93 of 168

93

---

---

---

---

---

---

---

## The Observation Period

- If the observation starts at 21:00, then the BTO can begin the breath test at 21:15.
  - Although this is true, the seconds are not displayed, so it is best to wait at least **16 minutes** or more to begin the breath test.
- Only the BTO who is conducting the Breath Test can enter any data into the BT.
- *Commonwealth vs Pierre, 72 Mass. App. Ct. 230 (2008)*, the CMRs which require a BTO to observe the arrestee for fifteen minutes prior to administration of the breath test, does not preclude observation outside the breath testing room prior to being advised of his rights and consenting to take the test.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 94 of 168

94

---

---

---

---

---

---

---

## The Observation Period - Challenges

What if a subject burps loudly 10 minutes into the observation period? Do you start the observation period over or continue?

- The observation period shall be restarted.
- Remember to document this new time.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 95 of 168

95

---

---

---

---

---

---

---

## Administering the Breath Test

PLEASE BLOW



- This screen appears when the instrument is READY for a breath test.
  - Remove hose from storage recess.
  - Gently insert a new mouthpiece.
  - Hold the hose for the subject.
    - It is not recommended that the subject hold the breath hose himself.
    - This is to protect it from possible damage for the subject who may suddenly decide that the BT instrument is a toy.
- Instruct subject to inhale, create and maintain a tight seal around the mouthpiece, then blow.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 96 of 168

96

---

---

---

---

---

---

---



## Changing Minds

- If subject REFUSES at this point, select the “STOP” option and process the subject’s refusal.

*Commonwealth v. Curley*, 78 Mass. App. Ct. 163 (2010) states that the introduction of evidence of a failed breathalyzer attempt by the Commonwealth does not violate a defendant’s right against self-incrimination.

*Commonwealth v. Adonsoto* 475 Mass. 497 (2016) reaffirmed Curley.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 97 of 168

97

---

---

---

---

---

---

---

---

## Overview of the Breath Test Sequence

A VALID Breath Test Sequence consists of:

- 1) air blank test of 0.000%
- 2) breath sample 1 supplied by subject
- 3) air blank test of 0.000%
- 4) calibration check of 0.074% - 0.086%
- 5) air blank test of 0.000%
- 6) breath sample 2 supplied by subject
- 7) air blank test of 0.000%

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 98 of 168

98

---

---

---

---

---

---

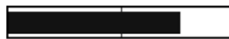
---

---

## Breath Sample

Alcotest 9510 11:23  
90-24 Arrest 11/05/2010

PLEASE BLOW



- Two of the parameters that must be met:
  - Minimum of 1.5 liters of breath.
  - Minimum 4.5 continuous seconds of breath.
- When the rectangular box is in **BOLD**, the criteria has been met.
- Remove Mouthpiece and only return the mouthpiece when prompted “Please Blow” for the next sample.
  - It is the officer’s discretion whether or not to replace the mouthpiece in between valid breath samples, but OAT requires that the mouthpiece must always be removed from the breath hose after the individual’s first valid breath test sample. But for each new subject, a new mouthpiece is required.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 99 of 168

99

---

---

---

---

---

---

---

---

## Breath Sample

Alcotest 9510
90-24 Arrest 07/06/2023
10:07

REMOVE MOUTHPIECE

- Remove Mouthpiece and only return the mouthpiece when prompted “Please Blow” for the next sample.
  - It is the officer's discretion whether or not to replace the mouthpiece in between valid breath samples, but OAT requires that the mouthpiece must always be removed from the breath hose after the individual's first valid breath test sample.
- For each new subject, a new mouthpiece is required.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 100 of 168

100

---

---

---

---

---

---

---

---

## Please Wait

Alcotest 9510
90-24 Arrest 03/28/2011
10:10

PLEASE WAIT

00:59

Stop

ARBA-0005

- A 60 second countdown after the first sample is initiated to diagnostically ready the instrument for the control standard.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 101 of 168

101

---

---

---

---

---

---

---

---

## Dry Gas Check

Alcotest 9510
90-24 Arrest 11/05/2010
11:24

DRY GAS CHECK

- The BT will analyze the control standard during the calibration check.
  - This utilizes the gas cylinder attached to the BT.
  - A known alcohol concentration (0.080 %).
  - This calibration check does not calibrate or adjust the instrument in any way.
  - The results shall be acceptable if within a range of 0.074%-0.086% as allowed in 501 CMR 2.11(2).

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 102 of 168

102

---

---

---

---

---

---

---


---

## 2<sup>nd</sup> Breath Sample

Alcotest 9510
11:55

90-24 Arrest 07/06/2023

PLEASE BLOW



- The grey bar represents the subject's first breath sample.
- When the rectangular box is **BOLD**, the criteria has been met.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 103 of 168

103

---

---

---

---

---

---

---

---

## Reportable Value

Alcotest 9510
11:28

90-24 Arrest 11/05/2010

REPORTABLE VALUE:  
0.17 %BAC

- First breath sample and second breath sample must agree within +/- 0.020 %BAC.
- The lower of the two samples will be displayed prior to printout.
  - Use this result to help answer the prompt **“Seized MA License”**.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 104 of 168

104

---

---

---

---

---

---

---

---

## Breath Test Results Summary

0.08 %BAC or above	Per Se Impairment for all operators regardless of age and vehicles.
0.07 %BAC 0.06 %BAC	Probable cause for arrest remains. However, no permissible inference of intoxication. No immediate license loss for operators if over 21 years of age (with the exception of CDL licenses).
Below 0.06 BAC%	No permissible inference of intoxication and released forthwith if OUI Alcohol is the only arrestable charge.
0.04 %BAC or above	Administrative license suspension for CDL operation and CDL vehicle. This applies to the vehicle, not the license. Class D is still active, Class A is not.
0.02 %BAC or above	If operator is under 21 years of age, this will result in an administrative license suspension.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled
Slide 105 of 168

105

---

---

---

---

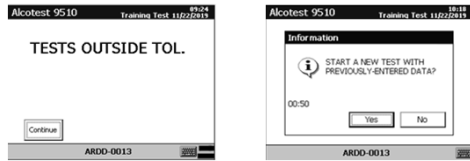
---

---

---

---

## Tests Outside Tolerance



- If two samples DO NOT agree within  $\pm 0.020$  %BAC:
  - **“TEST OUTSIDE TOL.”** will appear on display briefly and ALSO on the Breath Test Report Form.
  - The BT will prompt with a question about starting a new test.
    - Note that the BT retains all the information previously entered.
    - The observation period does not need to be repeated.
  - 501 CMR 2.14 (4) states “If the sequence...does not result in breath samples that are within  $\pm 0.020$  blood alcohol content units, a new breath test sequence shall begin.”

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 106 of 168

106

---

---

---

---

---

---

---

---

---

---

## ARE THESE TESTS VALID?

Function	SUBJECT 1	SUBJECT 2	SUBJECT 3	SUBJECT 4
Air Blank Test	0.000	0.000	0.000	0.000
Subject Test 1	0.204	0.174	0.089	0.330
Air Blank Test	0.000	0.000	0.000	0.000
Calibration Check	0.080	0.073	0.083	0.081
Air Blank Test	0.000	0.000	0.000	0.000
Subject Test 2	0.199	0.169	0.071	0.309
Air Blank Test	0.000	0.000	0.000	0.000

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 107 of 168

107

---

---

---

---

---

---

---

---

---

---

## Finishing the BT Report

Alcotest 9510 11:29  
90-24 Arrest 11/05/2010

Report Prepared By Testing Officer? ☒ YES

Alcotest 9510 11:30  
90-24 Arrest 11/05/2010

Under Penalties of Perjury? ☒ YES

- Verifies that the BTO completed the breath test under penalties of perjury.
- If this is a “Refusal”, the question would ask:
  - **“Report Prepared By Refusal Officer?”**

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 108 of 168

108

---

---

---

---

---

---

---

---

---

---

## Finishing the BT Report

Alcotest 9510 90-24 Arrest 03/29/2023 09:26

Report Prepared By Testing Officer?  
YES

Under Penalties of Perjury?  
YES

Stop Save

- Once “Save” is selected, no changes can be made and the instrument will continue to the next set of questions.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 109 of 168

109

---

---

---

---

---

---

---

---

## Seizing Licenses

- How do you know if you need to seize the driver's Massachusetts license?

0.02 %BAC and above	Massachusetts license seized for those under 21 years of age
0.04 %BAC and above	Massachusetts license seized if a CDL operator was driving a CDL vehicle at the time of the alleged offense (but Class D is still active).
0.08 %BAC and above	Massachusetts license seized for everyone licensed in the Commonwealth of MA

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 110 of 168

110

---

---

---

---

---

---

---

---

## Seizing Licenses

- 20-year-old driver has a test result of 0.034 %BAC.

0.02 %BAC and above	Massachusetts license seized for those under 21 years of age
0.04 %BAC and above but below 0.08% BAC	Massachusetts license seized if a CDL operator was driving a CDL vehicle at the time of the alleged offense (but Class D is still active).
0.08 %BAC and above	Massachusetts license seized for everyone licensed in the Commonwealth of MA

- Are they still under arrest?
- What happens to their license?

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 111 of 168

111

---

---

---

---

---

---

---

---

## Seizing Licenses

- Tractor trailer driver has a test result of 0.058 %BAC.

0.02 %BAC and above	Massachusetts license seized for those under 21 years of age
0.04 %BAC and above but below 0.08% BAC	Massachusetts license seized if a CDL operator was driving a CDL vehicle at the time of the alleged offense (but Class D is still active).
0.08 %BAC and above	Massachusetts license seized for everyone licensed in the Commonwealth of MA

- Are they still under arrest?
- What happens to their license?

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 112 of 168

112

---

---

---

---

---

---

---

---

## Seizing Licenses

- Class B licensed driver driving a Class D vehicle has a test result of 0.057 %BAC.

0.02 %BAC and above	Massachusetts license seized for those under 21 years of age
0.04 %BAC and above but below 0.08% BAC	Massachusetts license seized if a CDL operator was driving a CDL vehicle at the time of the alleged offense (but Class D is still active).
0.08 %BAC and above	Massachusetts license seized for everyone licensed in the Commonwealth of MA

- Are they still under arrest?
- What happens to their license?

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 113 of 168

113

---

---

---

---

---

---

---

---

## Seizing Licenses

- Class B licensed driver driving a Class D vehicle has a test result of 0.072 %BAC.

0.02 %BAC and above	Massachusetts license seized for those under 21 years of age
0.04 %BAC and above but below 0.08% BAC	Massachusetts license seized if a CDL operator was driving a CDL vehicle at the time of the alleged offense (but Class D is still active).
0.08 %BAC and above	Massachusetts license seized for everyone licensed in the Commonwealth of MA

- Are they still under arrest?
- What happens to their license?

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 114 of 168

114

---

---

---

---

---

---

---

---

## Seizing Licenses

- Anyone driving a Class D vehicle has a test result of 0.095 %BAC.

0.02 %BAC and above	Massachusetts license seized for those under 21 years of age
0.04 %BAC and above but below 0.08% BAC	Massachusetts license seized if a CDL operator was driving a CDL vehicle at the time of the alleged offense (but Class D is still active).
0.08 %BAC and above	Massachusetts license seized for everyone licensed in the Commonwealth of MA

- Are they still under arrest?
- What happens to their license?

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 115 of 168

115

---

---

---

---

---

---

---

---

## Seize MA License

Alcotest 9510	09:28
90-24 Arrest 03/29/2023	
Did you seize MA license?	<input checked="" type="radio"/> YES <input type="radio"/> NO

- When do you seize an MA License?
  - 0.08 %BAC or higher for all operators.
  - 0.04 %BAC or higher but below 0.08 %BAC for a CDL driver only if he was driving a commercial vehicle at the time of the alleged offense.
  - 0.02 %BAC or higher for all operators under 21.
- What do you do with the *seized* license?

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 116 of 168

116

---

---

---

---

---

---

---

---

## Seizing Licenses

- The Registry of Motor Vehicles (RMV) has granted the authority to Local and State Police to destroy "MASSACHUSETTS" licenses and dispose of them whenever a "Notice of Suspension for a Chemical Test Failure or Refusal" has been issued by the Police.
- Do NOT Seize or Destroy Out-of-State licenses!

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 117 of 168

117

---

---

---

---

---

---

---

---

## 12 Hour Vehicle Impound

Pursuant to General Laws Ch. 90, Sec. 24 (f) (1):

“If a person refuses to take a test under this paragraph, the police officer shall:

(iii) impound the vehicle being driven by the operator and arrange for the vehicle to be impounded for a period of 12 hours after the operator's refusal, with the costs for the towing, storage and maintenance of the vehicle to be borne by the operator.”

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 118 of 168

118

---

---

---

---

---

---

---

---

## Citation and Tracking Numbers

Alcotest 9510	90-24 Arrest 11/05/2010	11:31
Citation Number	M23456789	

Alcotest 9510	90-24 Arrest 11/05/2010	11:31
OBTN		

- **OPTIONAL FIELDS.** If you don't have the information, move on and complete the Breath Test or Refusal.
  - To be used to assist in linking separate forms.
  - OBTN – Offender Based Tracking Number

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 119 of 168

119

---

---

---

---

---

---

---

---

## Summary Screen

Alcotest 9510	90-24 Arrest 03/29/2023	09:29
Did you seize MA license?		
YES		
Citation Number		
12345		
OBTN		
67890		
<div>Stop Save</div>		
ARBK-0013		

- Once “Save” is selected, no changes can be made and the Breath Test Report will print.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 120 of 168

120

---

---

---

---

---

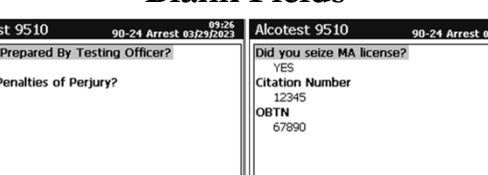
---

---

---



# Blank Fields



The screenshot displays two side-by-side data entry forms for the Alcotest 9510. Each form has a header bar with the device name, a date/time stamp, and a status indicator. The left form contains two questions: 'Report Prepared By Testing Officer?' and 'Under Penalties of Perjury?'. The right form contains three questions: 'Did you seize MA license?', 'Citation Number', and 'OBTN'. Both forms have a 'Stop' button and a 'Save' button at the bottom.

Alcotest 9510	09:26 90-24 Arrest 03/21/2023
Report Prepared By Testing Officer?	
YES	
Under Penalties of Perjury?	
YES	
Stop	Save

Alcotest 9510	09:29 90-24 Arrest 03/21/2023
Did you seize MA license?	
YES	
Citation Number	
12345	
OBTN	
67890	
Stop	Save

- **PLEASE NOTE:** If the instrument is left idle for 25 minutes during any of these 5 questions before selecting “Save”, the instrument will time out. The documents will then print and the information will be transmitted but the answers to the questions you have not saved will be blank.

Breath Test Operator's Manual © 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncorrected

Slide 121 of 168

- 121

---

---

---

---

---

---

[illegible]

- 122

---

---

---

---

---

---

# BATS Data Correction Form

## BATS DATA CORRECTION FORM

Email To: [DCR Egal@dot.state.ma.us](mailto:DCR Egal@dot.state.ma.us)  
OR Fax To: 857.368.0019

TO: DRIVER CONTROL UNIT  
REGISTRY OF MOTOR VEHICLES

FROM:

(Printed & Signed)

RE: Sequential File Number: (Printed & BATS Database Number)

Defendant:

(Printed & BATS Database Number)

Correction(s) needed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(Officer's Signature)

Formal 3/10/2003

## 25 Minute Timeouts

■ If you are aware of a time out during any of these 5 questions, fill out a BATS Data Correction Form.

■ Email or fax the Form directly to the RMV.

■ Forward any BATS Data Correction Forms to the prosecuting agency.

Breath Test Operator's Manual © 3/3/02 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 123 of 168

## 123

---

---

---

---

---

---

## Printing

Alcotest 9510 11:04  
90-24 Arrest 11/05/2010

**Information**

PRINTOUT COMPLETE?

02:25

Yes
Retry

- A prompt will appear: “Printout Complete?”
  - This prompt should be answered, but if it is not, then the sequence will still complete automatically.
- Check the printed documents for accuracy as well as to ensure the results COMPLY with the current CMRs.
- If a notice of suspension has printed, it must be served in hand forthwith.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 124 of 168

---

---

---

---

---

---

---

---

124

## Printer Problems

Alcotest 9510 11:35  
90-24 Arrest 11/05/2010

**Information**

CHECK PRINTER, PAPER, TONER,  
AND CABLES. THEN PRESS OK

03:54

OK

Alcotest 9510 11:35  
90-24 Arrest 11/05/2010

**Information**

EXTERNAL PRINTOUT FAILED.  
SEE INTERNAL PRINTOUT.

00:51

OK

- If a printer problem exists
  - Box will display “Check Printer, Paper, Toner, and Cables. Then Press OK.”
- Follow the instructions to try and remedy the problem.
- After 3<sup>rd</sup> failed attempt:
  - Box will display “External Printout Failed. See Internal Printout.”
  - In this case, use the “Reprint” tab on the initial “Ready” screen.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 125 of 168

---

---

---

---

---

---

---

---

125

## Printer Out of Paper

- Error light flashing
  - Paper Jam
- Error light solid
  - Out of paper
- Add paper or remove jam
- Press the go button to ready printer, then reprint if needed.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 126 of 168

---

---

---

---

---

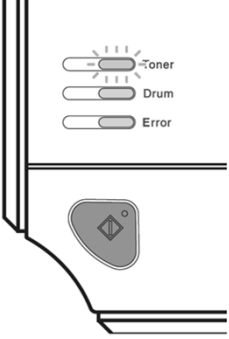
---

---

---

126

## Printer Low on Toner



- Toner light flashing
  - Running low on toner
  - Advise OIC to replace toner
- Toner light solid
  - Out of toner
  - Blank paper has come out of printer
  - Replace toner immediately and reprint

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 127 of 168

127

---

---

---

---


---

---


---

---


## Replacing Toner



Brother toner cartridge  
**Replace**



Brother drum unit  
**KEEP**



Toner cartridge installed into the drum unit. This is how the toner / drum will look when you remove it from the printer.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 128 of 168

128

---

---

---

---

---

---

---

---

## Reprint Function

- Circumstances that may require use of the REPRINT function.
  - An officer needs to retrieve a *past* test or Power Loss.
  - An officer encounters a printer problem after completing the test.
  - An OIC needs statistics on an officer.
- Power Loss tests do not automatically print. The BTO must go into the Reprint function and reprint the test manually to include with your report.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 129 of 168

129

---

---

---

---

---

---

---

---

## Reprint Function

- The BT can only hold a certain number of tests in its memory and may be cleared during the annual certification at OAT or during repair.

**Do NOT wait to reprint!**

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 130 of 168

130

---

---

---

---

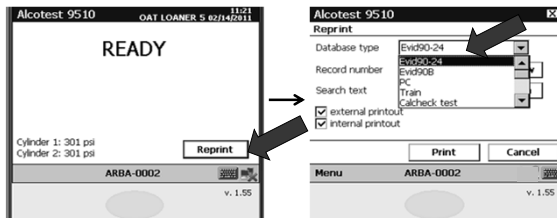
---

---

---

---

## Retrieving and Reprinting Breath Test Records



- Press "Reprint" to print tests.
- Highlight desired test type from drop down box.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 131 of 168

131

---

---

---

---

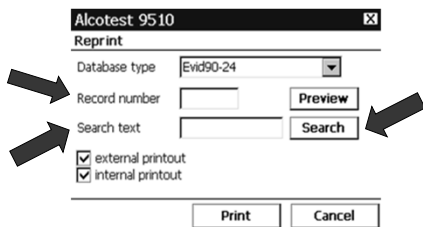
---

---

---

---

## Records Can Be Retrieved One of Three Ways



Records can be retrieved by:

- Entering in the record number (Sequential Test Number)
- Search Text (BTO name, subject data, or any other text)
- General Search

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 132 of 168

132

---

---

---

---

---

---

---

---

# Records Retrieved Entering Record Number (Sequential Test Number)

- Enter Sequential Test Number
- Select “Print”
  - A copy of the selected test will be printed

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 133 of 168

133

---

---

---

---

---

---

---

---

# Records Retrieved Using Search Text

Enter the following:

- BTO Name (or)
  - Subject Data (or)
  - Any key text related to the test record
- A list of all tests with the entered text will appear on the screen

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 134 of 168

134

---

---

---

---

---

---

---

---

# Records Retrieved Using Search by Text

- Highlight the desired record number you wish to retrieve.
- Select “Save”
- The record number will auto-populate.
- Select “Print”

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled Slide 135 of 168

135

---

---

---

---

---

---

---

---

## Records Retrieved By General Search

Alcotest 9510  
Reprint

Database type: Evid90-24

Record number:

Search text:

☒ external printout  
☒ internal printout

- Select “Search” to display all breath test records.

- A list of saved breath test records will appear on the screen.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 136 of 168

136

---

---

---

---

---

---

---

---

---

---

## Records Retrieved By General Search

Alcotest 9510  
Search Result

Record: 00062 - 02/18/2011 01:49  
SUSMAN,TEST,01/01/1960  
Record: 00063 - 02/18/2011 01:56  
SUSMAN,TEST,01/01/1960  
Record: 00064 - 02/18/2011 02:08  
SUSMAN,TEST,01/01/1960  
Record: 00084 - 02/24/2011 10:25  
O'SHEA,TEST,01/01/1960  
Record: 00090 - 02/24/2011 11:18  
O'SHEA,TEST,01/01/1960

Alcotest 9510  
Reprint

Database type: Evid90-24

Record number: 04

Search text:

☒ external printout  
☒ internal printout

- HIGHLIGHT the desired record number you wish to retrieve.
- Select “Save”

- The record number will auto-populate.
- Select “Print”

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 137 of 168

137

---

---

---

---

---

---

---

---

---

---

## Mistries

- When the BT is unable to analyze a breath sample due to how the subject is blowing, it is referred to as a mistry.
- When a mistry occurs, the BT will ask for another sample.
- Mistries are not recorded on the Breath Test Report Form.
- Message codes that are mistries:
  - “Blowing Time Too Short”
  - “Blowing Not Allowed”
  - “Minimum Volume Not Achieved”
- The officer should note these in the report.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 138 of 168

138

---

---

---

---

---

---

---

---

---

---

## Alcohol in Ambient Air

Massachusetts Office of Alcohol Testing  
Breath Test Report Form  
MASSACHUSETTS

Test Date: 09/12/2011 Sequential Test #: 300  
Dept. Case #: 0017047 Citation #:

Test Result: Test Not Completed: ALCOHOL IN AMBIENT AIR

Breath Test Instrument Certification  
The breath test instrument was certified at the time the breath test was administered.

Model Number	Serial Number	Certification Begins	Certification Expires
Alcotest 9510	AMBA-0001	02/20/2011	02/20/2012

Calibration Standard Information

Day Use Cylinder	Lot Number	Concentration	Expiration Date
7500-7	1500-7	0.08%	09/09/2013

Fieldwork Information

- If there is a source of alcohol in the vicinity of the BT, the BT will sense it and this message may occur.
  - Example – hand sanitizer
  - Ventilation is the best recourse.
  - Once the air around the BT is cleared, conduct a new test.
  - A new 15 minute observation is not required.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 139 of 168

139

## Calibration Standard Failure

Massachusetts Office of Alcohol Testing  
Breath Test Report Form  
MASSACHUSETTS

Test Date: 09/12/2011 Sequential Test #: 300  
Dept. Case #: 0017047 Citation #:

Test Result: Test Not Completed: CAL. STANDARD FAILED

Breath Test Instrument Certification  
The breath test instrument was certified at the time the breath test was administered.

Model Number	Serial Number	Certification Begins	Certification Expires
Alcotest 9510	AMBA-0001	02/20/2011	02/20/2012

Calibration Standard Information

Day Use Cylinder	Lot Number	Concentration	Expiration Date
7500-7	1500-7	0.08%	09/09/2013

Fieldwork Information

- This message occurs when the control standard is outside of the acceptable range.
- Review the Breath Test Report Form control standard result to confirm.
- A Periodic Test will be required.
  - If the OIC is unavailable, you must utilize another BT at a nearby police department or barracks.
  - A new 15 minute observation must occur if this period has been interrupted.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 140 of 168

140

## Interferent Detected

Massachusetts Office of Alcohol Testing  
Breath Test Report Form  
MASSACHUSETTS

Test Date: 09/12/2011 Sequential Test #: 300  
Dept. Case #: 0017047 Citation #:

Test Result: Test Not Completed: INTERFERENT DETECTED

Breath Test Instrument Certification  
The breath test instrument was certified at the time the breath test was administered.

Model Number	Serial Number	Certification Begins	Certification Expires
Alcotest 9510	AMBA-0001	02/20/2011	02/20/2012

Calibration Standard Information

Day Use Cylinder	Lot Number	Concentration	Expiration Date
7500-7	1500-7	0.08%	09/09/2013

Fieldwork Information

- A common cause for this status message can be a range disparity between the IR and the Fuel Cell.
- Retest the subject on the same BT instrument.
  - It may take 15 minutes or more for the interfering substance to dissipate.
- If an interferent is detected again, utilize another BT at a nearby police department or barracks.
  - A new 15 minute observation must occur if direct observation has been interrupted.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 141 of 168

141

Massachusetts Office of Alcohol Testing  
Breath Test Report Form

OAT LOANER 7

Test Date: 09/12/2011 Sequential Test #: 243  
Dept. Case #: 2011-OAT Citation #: \_\_\_\_\_

Test Results: Test Not Completed: MOUTH ALCOHOL

**Breath Test Instrument Certification**  
The breath test instrument was certified at the time the breath test was administered.

Serial Number	Certification	Expiration
Alcotest 9510	ABSC-0005	09/06/2011 09/06/2012

- Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Massachusetts Office of Alcohol Testing  
Breath Test Report Form

OAT LOANER 4

Test Date: 09/12/2011 Sequential Test #: 1028  
Dept. Case #: 125 Citation #: \_\_\_\_\_

Test Results: Test Not Completed. CAL GAS SUPPLY

Breath Test Instrument Certification  
The breath test instrument was certified at the time the breath test was administered.

Model Number	Serial Number	Certification Begin Date	Certification Expire Date
ARBC-9512	ARBC-0006	08/26/2011	08/26/2012

- Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Alcotest 9510

MASSACHUSETTS 06/08/2011 13:13

# Outgoing Msg

Progress bar: 10 segments, 7 filled (70%)

Cylinder 1: 152 psi  
Cylinder 2: 144 psi

ARBA-0003

Small icons: ARBA logo, ARBA logo, and a circular icon.

- Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

48



145

146

147

## Slide 148 of 168

---

---

---

---

---

---

## Slide 149 of 168

---

---

---

---

---

---

## Slide 150 of 168

---

---

---

---

---

---

50

## The Two Factors For Determining Under the Influence of Alcohol

Impairment – you need to prove that there was a diminished capacity to safely operate a vehicle

AND/OR

$\geq 0.080$  %BAC – greater than or equal to 0.080 %BAC is the *per se* level of impairment

There can be only one charge of OUI alcohol even if both diminished capacity and BAC of 0.080% or greater exist.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 151 of 168

151

---

---

---

---

---

---

---

---

## Do You Know?

- MGL c90 s24 paragraph (1)(e) states that the “...evidence of the percent, by weight, of alcohol in the defendant’s blood at the time of the alleged offense, as shown by chemical test or analysis of his blood or... of his breath, shall be admissible and deemed relevant to the determination” of the subject’s guilt or innocence.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 152 of 168

152

---

---

---

---

---

---

---

---

## Comm. vs Colturi, 448 Mass. 809 (2007)

- ***Commonwealth v. Colturi, 448 Mass. 809 (2007)*** - Where the Commonwealth proceeds on a *per se* theory of operating under the influence, prosecutors are not required to present expert testimony on retrograde extrapolation to admit a breath test if the test was given within 3 hours of arrest.

SJC Ruling: April 19, 2007 – Breath tests are admissible within a reasonable time of the operation. Reasonable time is defined as up to three (3) hours.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 153 of 168

153

---

---

---

---

---

---

---

---

## What does the ADA needs from YOU?

### The Three Documents...

- Statutory Rights and Consent Form
  - Proves Defendant Consented
- BATS - Completion Record
  - Officer's Observation Report is DISCOVERABLE
- Breath Test Report Form
  - Instrument / Operator Certified
  - Breath Test is VALID

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 154 of 168

154

---

---

---

---

---

---

---

## Documentation

**All documents may be requested by investigating agencies including the DA's Office**

- Statutory Rights and Consent Form
- BATS Data Correction Form
- Notice of Suspension for Chemical Test Failure
- Notice of Suspension for Chemical Test Refusal
- Breath Test Report Form (including Power Loss tests)
- Periodic Test Reports (maintained by your department's Officer in Charge)
- Any and all Breath Test reports resulting in status messages (i.e. Mouth Alcohol)

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 155 of 168

155

---

---

---

---

---

---

---

## Review

- What are the three situations that require entering data into the BT instrument every time?
  - A breath test
  - A breath test refusal
  - A blood test refusal
- A blood test is NEVER entered into the BT instrument!

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 156 of 168

156

---

---

---

---

---

---

---

## Blood Test Refusal

- Advise the subject of the Statutory Rights and Consent Form in its entirety at the medical facility.
- Record the subject's refusal with his/her/their signature and yours on the Statutory Rights and Consent Form.
- Have a third party individual, sworn or civilian, witness the Refusal and sign the Statutory Rights and Consent Form.
- Process the subject's blood test refusal on a BT instrument.
- Serve the subject with the Notice of Suspension.

**Remember – the officer entering the blood test refusal into the BT instrument does not have to be the arresting officer. They can be any sworn officer, BTO certified or uncertified.**

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 157 of 168

157

---

---

---

---

---

---

---

---

## Entering Blood Test Refusal Information

Alcotest 9510

Training Test 10/26/2011

Refusal Type



BREATH



BLOOD

- Place of Refusal
  - Should contain a city or town
  - Example – “Mass. Gen. **Boston**”
- Date of Refusal
  - Use the date format MM/DD/YYYY
- Refusal Officer
  - Example “Tpr David Smith”
- Refusal Witness
  - Type in the witness's name
  - This is the third-party individual's name that witnessed the refusal

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 158 of 168

158

---

---

---

---

---

---

---

---

## Blood Test at Hospital

- Under Arrest, at Medical Facility, Charged with OUI Alcohol c90-s24, and Consents to an Evidentiary Blood Draw and Test.
- Medical conditions that exempt a subject from a blood test:
  - Hemophilia
  - Diabetics
  - Condition Requiring Anticoagulants
- Blood Drawn at the Direction of a Police Officer by: **MD, RN, or CMT.**

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 159 of 168

159

---

---

---

---

---

---

---

---

## Blood Draw Guidelines

- MD, RN, or CMT should prep the arm with a NON-Alcohol swab.
- Two (2) tubes of blood containing a powdered anticoagulant and a preservative are recommended by the Crime Laboratory.
  - AVOID using RED stopper test tubes! They do not contain anticoagulants.
- Shake test tubes to activate the anticoagulant.
- Refrigerate (not freeze!) the blood samples at the station in a refrigerated evidence locker.
- When transporting to the Crime Laboratory, ensure they remain chilled.
  - Make sure the chain of custody is documented.
- Notify the ADA for arraignment to reserve a 90-24N hearing pending the blood test results.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 160 of 168

160

---

---

---

---

---

---

---

---

## Submittal Process to Crime Laboratory

- You must call to make an appointment to drop off evidence.
  - Sudbury 508-358-3155
  - Danvers 978-538-6111
  - Springfield 413-205-1837
  - Lakeville 508-946-1310
- The Toxicology Unit will then analyze the sample.
- Questions? Contact the Toxicology Unit at 857-377-3010.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 161 of 168

161

---

---

---

---

---

---

---

---

## Serum Conversions

- Medical records are introduced by the ADA at trial and contain a serum or plasma alcohol level.
- After 24N Hearing elements have been met.
- Crime Laboratory Forensic Scientists can convert serum or plasma alcohol levels into blood alcohol levels.
  - Usually happens because of a motor vehicle accident and operator was hospitalized.
  - DA's office summons hospital for medical records and requests the conversion from the MSPCL Toxicology Unit.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 162 of 168

162

---

---

---

---

---

---

---

---

## Other Examples

- Subjects arrested for OUI and being treated at a medical facility licensed under MGL c. 111 § 51 may be offered an opportunity to submit to a blood test in lieu of a breath test.
  - Prior to the drawing of a subject's blood, the subject's consent must be obtained in writing. Where a subject's blood was previously drawn independently by a hospital, the subject's consent must still be obtained prior to sending the sample for analysis. *Commonwealth v. Moreau*, 490 Mass. 387 (2022).
- A warrant may be obtained to draw and/or analyze the blood of a person being investigated for homicide by motor vehicle (G.L. c. 90, s. 24G), serious bodily injury by motor vehicle while under influence (G.L. c. 90, s. 24L), or manslaughter (G.L. c. 265, ss. 13 & 13 1/2).

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 163 of 168

163

---

---

---

---

---

---

---

---

## OUI Drugs and Considerations

- No Statutory Rights and Consent Form is issued to an operator charged with OUI Drugs only.
  - Statutory Rights and Consent Form is for an operator in custody charged with OUI alcohol.
- DREs (Drug Recognition Experts) can be consulted.
  - For MSP, the detainee must be under arrest for OUI in order to request a DRE evaluation as per TRF-14.
- If appropriate, "Immediate Threat Form" 90-22(a).
- If appropriate, consider additional charges such as negligent operation.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 164 of 168

164

---

---

---

---

---

---

---

---

## OUI Alcohol and Drugs

### *Comm. vs Stathopoulos, 401 Mass 453 (1988)*

A defendant may be found guilty of driving under the influence of intoxicating liquor if the defendant's ability to operate a vehicle safely is diminished, and alcohol is one contributing cause. It does not have to be the sole or exclusive cause.

Breath Test Operator's Manual ID: 3332 Revision: 5 Issued By: Laboratory Director All Copies are Uncontrolled

Slide 165 of 168

165

---

---

---

---

---

---

---

---

## Immediate Threat

- M.V. Homicide c.90 s.29
  - Under 90-29, the operator shall be suspended unless the preliminary investigation indicates one or more operators are not at fault.
- Medical Condition c.90 s.22
  - A medical condition that inhibits driving such as epilepsy.
- Disregard for Public Safety c.90 s.22
  - For example, pursuits.
- Criminal Complaint c.90 s.22
  - For example, a person who has been taken to a medical facility for treatment and is not in custody.

166

## Immediate Threat Form and Medical Evaluation Form

The image shows two forms side-by-side. The left form is titled 'Request for Immediate Threat License Suspension/Revocation' and contains fields for 'Operator Information' and 'Request Information'. The right form is titled 'Medical Evaluation Form' and contains a 'Patient Information' section and a 'Medical Evaluation' section with checkboxes for various conditions.

167

## Office of Alcohol Testing

- Any questions or concerns from officers regarding the Alcotest 9510 should be directed to the Office of Alcohol Testing at 857-377-3030.

168