DataMaster DMT

LT. DEBORAH BANKS
IMPLIED CONSENT DEPARTMENT
SOUTH CAROLINA LAW ENFORCEMENT DIVISION
IMPLIED CONSENT DEPARTMENT
Breath Testing Specialists

- S/A John Christy
- S/A Bruce Smith
- S/A Brett Baker
- S/A Larry Ross
- S/A Randy Brown
- Lt. Debbie Banks

(803) 896-7300
WHY SLED?

• In Section 56-5-2950, the Legislature established SLED in 1969 as the Regulatory Agency for the state’s breath-alcohol testing program.

• Subsequently, one of SLED’s responsibilities is to determine what breath-testing device will be utilized in South Carolina.
HISTORY: Breathalyzer Model 900

• February 1970, breath alcohol testing began
• 57 manually-operated Breathalyzer Model 900’s, each county issued at least one unit.
• Utilized until the BAC DataMasters were fully implemented in 1997.
BAC DataMaster

- In 1990, SLED selected the BAC DataMaster.
- Installation began in July 1991 at Lexington County Jail.
- Complete equipment replacement by 1997.
- Currently, there are 158 DataMasters @ 117 sites. (2 BAT-Mobiles)
**BAC DataMaster**: Fully computerized, breath-alcohol testing device that measures breath alcohol employing the principle of *Absorption of Infrared Energy.*
DataMaster DMT

- Coming February 10, 2009
DataMaster DMT

• Analytically, the same instrument as BAC DataMaster: measures breath alcohol employing the principle of **Absorption of Infrared Energy**.

• The same Grey-body Infrared Energy Source, folded optical sample chamber, thermo-electrically cooled lead selenide detector; narrow bandwidth optical filters

• Traps data electronically; hence, still called the **DataMaster**

• **DMT** = DataMaster Transportable
While the proven scientific principle of *Absorption of Infrared Energy* has not changed in the new *DataMaster DMT*, it utilizes:

- faster, more powerful computer processor; (imbedded PC -vs- EPROM computer chip)
- more memory and storage capability
  
  * on-site electronic complaint entry; forms; statistics; allows for future changes in DUI statutes (current memory capability maxed out due to 80’s computer technology)
- windows-based unit
- touch-screen graphics display w/keyboard
stand-alone laser printer
card-reader for driver’s licenses
smaller, light-weight unit allowing for easier service access
enhanced remote monitoring capabilities from headquarters
future internet capability instead of modems
DATAMASTER DMT
OPERATIONAL FLOW-SCREENS

- This is the screen-saver Officers will see when they approach the DMT.
- Touch screen to proceed.
• Utilizing the keyboard, enter instrument password and press “OK”
• Password will be DMT Serial #
Main menu screen gives operator ability to choose, by touch screen activation, one of the above functions.
If the “RUN” function is chosen, the next screen will display the types of breath tests available with touch-screen activation.
• Once the type of breath test is selected, the following sequence of questions are screen-prompted using a combination of touch-screen and keyboard activation.

• Press applicable touch-screen icon: “Yes” or “No”
If “No” is selected to the question, “Is Video Activated?” then the DMT will prompt the above question (in case the type breath test being run has a statutory requirement to be video recorded).
I. I hereby certify that I cannot produce a video recording from the breath test site because:

☐ At the time of the person’s arrest or probable cause determination, the video recording equipment or breath test device at the breath test site was in an inoperable condition and reasonable efforts have been made to maintain the equipment in an operable condition; and, there was no other operable breath test facility available in the county. Operable breath test facility means a site with both an operable breath test device and operable video recording equipment.

☐ The person needed emergency medical treatment.

☐ Exigent circumstances existed or other valid reasons based on the totality of the circumstances existed and are outlined below.

II. I hereby certify that I cannot produce a video recording of the person’s conduct during the 20-minute pre-test waiting period because it was physically impossible due to the circumstances outlined below:

NOTE: Only complete this section if you are able to video record the test but are unable to video record the 20-minute waiting period.

Subject’s Name
Arresting Agency
Ticket/Case Number

Arresting Officer’s Name (Print)  Arresting Officer’s Signature  Date of Signature

STATE OF SOUTH CAROLINA
County of ________________

Sworn to and subscribed to me this ______ day of ______________________, 20__

Notary Public for South Carolina  Notary’s Name (Print)  My commission expires

SLED Forensics Form # ICS 004, April 2006

• If “Yes” is selected to the question, “Do you need Affidavit Failure to Produce?” an Affidavit For Failure To Produce with be printed.

• The DMT will ensure that the Affidavit Form was printed, by asking the above question.
• Press applicable touch screen icon: “Yes” or “No”
• If “No” is selected, the DMT will print the form.
• If “Yes” is selected to the question “Is Video Activated?” the next screen prompts Operator to enter an alpha-numeric video code (SLED ID) located on video monitor.

• Enter code with keyboard.
• If “Yes” is selected to the above question, a unique ID and Password will be printed on bottom of Evidence Ticket.

• If “No” is selected, the ID and Password will be printed only on the Officer’s copy of the ticket. The Subject copy will have printed, “Contact officer for video code information.”
• Two copies of the applicable “Advisement of Implied Consent Rights” form will be printed at this time by a stand-alone laser printer.
ADVISEMENT OF IMPLIED CONSENT RIGHTS

Subject’s Name (Print) __________________________

Date of Birth __________________________

Driver’s License Number __________________________

State Licensed __________________________

DRIVING UNDER THE INFLUENCE ADVISEMENT

(A) Will test be video recorded? If answer is Yes, start here → Inform subject of video recording.

If answer is No, start here → Inform subject of type samples requested (i.e. breath, blood, urine).

(B) Provide subject with a written copy of the following advisement and read the advisement to the subject:

- You are under arrest for Driving Under the Influence (DUI), Section 56-5-2930, South Carolina Code of Laws 1976, as amended.
- The arresting officer has directed that samples be taken for alcohol and/or drug testing.
- The samples will be taken and tested according to Section 56-5-2950 and SLED policies.
- You do not have to take the tests or give the samples, but if you refuse to submit to the tests, your privilege to drive in South Carolina must be suspended or denied for at least six (6) months and your refusal may be used against you in court.
- If you take the tests or give the samples and have an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, you may instead be charged with Driving with an Unlawful Alcohol Concentration (DUAC), Section 56-5-2933.
- If you have an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, your privilege to drive in South Carolina must be suspended for at least one (1) month.
- You have the right to have a qualified person of your own choosing conduct additional independent tests at your expense and the officer, upon request, must provide you affirmative assistance.
- You have the right to request an administrative hearing within thirty (30) days of the issuance of the notice of suspension.
- If you do not request an administrative hearing or if your suspension is upheld at the administrative hearing, you must enroll in an Alcohol and Drug Safety Action Program.

If applicable, perform the following procedures:

(C) Check subject’s mouth and remove any foreign material. (Not required if refusal has occurred.)

(D) Enter biographical data into DataMaster DMT. (Required for all tests, including refusals.)

(E) Observe subject for a minimum of twenty (20) minutes before collecting breath sample. (Not required if a refusal has occurred.)

ADVISEMENT PORMANEJAR BAJO LOS EFECTOS DE ALCOHOL O DROGAS (DUI)

(A) Sera grabado el video? Si la respuesta es Si, empieza aquí → Informe al sujeto que va a ser grabado en video.

Si la respuesta es No, empieza aquí → Informe al sujeto de lo que se requiere (ejemplo: soplar, sangre, urina.)

(B) De al sujeto una copia escrita de la siguiente advertencia y lea la advertencia al sujeto:

- Usted queda detenido por Manejar Bajo los Efectos de Alcohol o Drogas (DUI), Sección 56-5-2930, del Código de Leyes de Carolina del Sur de 1976, según su enmienda.
- El agente que efectuó la detención dispuso que se sacaran muestras de alcohol y/o drogas para ser analizada(s).
- Se obtendrán y se analizarán las muestras según la Sección 56-5-2950 y las normas de SLED.
- Usted no está obligado a hacerse los análisis ni a sacarse las muestras, pero si se niega a someterse a estos análisis, se le tendrá que suspender o negar el derecho de manejar en Carolina del Sur por lo menos durante seis (6) meses y el hecho de que usted se niega, podrá usarse en su contra en un tribunal.
- Si usted se somete a los análisis o se saca las muestras y tiene una concentración de alcohol de ocho centésimos del uno por ciento (0.08%) o más, entonces se lo podría acusar de Manejar con una Concentración Ilegal de Alcohol (DUAC), según la Sección 56-5-2933.
- Si usted tiene una concentración de alcohol de quince centésimos del uno por ciento (0.15%) o más, se le deberá suspender el derecho de manejar en Carolina del Sur por lo menos durante un (1) mes.
- Usted tiene el derecho de que una persona que usted elija y que esté capacitada para hacerlo, realice sus propios análisis adicionales, los cuales usted mismo tiene que pagar y en ese caso, el agente debe brindarle ayuda si usted lo solicita.
- Usted tiene el derecho de solicitar una audiencia administrativa dentro de los treinta (30) días de la fecha en que se emitió la notificación de la suspensión.
- Si usted no solicita una audiencia administrativa o si se le confirma la suspensión en la audiencia administrativa, usted tiene que matricularse en un Programa de Medidas Contra el Abuso del Consumo del Alcohol y las Drogas.

Si aplica, efectúe los siguientes procedimientos:

(C) Inspecciona la boca del sujeto y quite material extrano de la boca. (Ignora si se niega el sujeto.)

(D) Anade datos biográficos en el DataMaster DMT. (Esto es requerido para todos los exames aunque se niegue el sujeto.)

(E) Observe al sujeto un minimo de 20 minutos antes de obtener un ejemplar de su respiro. (Ignora si se niega.)

Subject’s Signature ________________

Firma del Sujeto (Recibió una copia) ________________

Date of Birth __________________________

Officer’s Signature __________________________

Firma del Agente __________________________

date/time __________________________

Of date/time recorded __________________________

### ADVISEMENT OF IMPLIED CONSENT RIGHTS

**Subject’s Name (Print)**

**Date of Birth**

**Driver’s License Number**

**State Licensed**

### DRIVING UNDER THE INFLUENCE ADVISEMENT

(A) Will test be video recorded? If answer is Yes, start here → Inform subject of video recording.

(B) Provide subject with a written copy of the following advisement and read the advisement to the subject:

- You are under arrest for Driving Under the Influence (DUI), Section 56-5-2930, South Carolina Code of Laws 1976, as amended.
- The arresting officer has directed that samples be taken for alcohol and/or drug testing.
- The samples will be taken and tested according to Section 56-5-2950 and SLED policies.
- You do not have to take the tests or give the samples, but if you refuse to submit to the tests, your privilege to drive in South Carolina must be suspended or denied for at least six (6) months and your refusal may be used against you in court.
- If you take the tests or give the samples and have an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, you may instead be charged with Driving with an Unlawful Alcohol Concentration (DUAC), Section 56-5-2933.
- If you have an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, your privilege to drive in South Carolina must be suspended for at least one (1) month.
- You have the right to have a qualified person of your own choosing conduct additional independent tests at your expense and the officer, upon request, must provide you affirmative assistance.
- You have the right to request an administrative hearing within thirty (30) days of the issuance of the notice of suspension.
- If you do not request an administrative hearing or if your suspension is upheld at the administrative hearing, you must enroll in an Alcohol and Drug Safety Action Program.

If applicable, perform the following procedures:

(C) Check subject’s mouth and remove any foreign material. (Not required if refusal has occurred.)

(D) Enter biographical data into DataMaster DMT. (Required for all tests, including refusals.)

(E) Observe subject for a minimum of twenty (20) minutes before collecting breath sample. (Not required if a refusal has occurred.)

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### ADVERTENCIA PORMANEJAR BAJO LOS EFECTOS DE ALCOHOL O DROGAS (DUI)

(A) Sera grabado el video? Si la respuesta es Sí, empieza aquí → Informe al sujeto que va a ser grabado en video.

(B) De al sujeto una copia escrita de la siguiente advertencia y lea la advertencia al sujeto:

- Usted queda detenido por Manejar Bajo los Efectos de Alcohol o Drogas (DUI), Sección 56-5-2930, del Código de Leyes de Carolina del Sur de 1976, según su enmienda.
- El agente que efectuó la detención dispuso que se sacaran muestras de alcohol y/o drogas para ser analizada(s).
- Se obtendrán y se analizarán las muestras según la Sección 56-5-2950 y las normas de SLED.
- Usted no está obligado a hacerse los análisis ni a sacarse las muestras, pero si se niega a someterse a estos análisis, se le tendrá que suspender o negar el derecho de manejar en Carolina del Sur por lo menos durante seis (6) meses y el hecho de que usted se niegue, podrá usarse en su contra en un tribunal.
- Si usted se somete a los análisis o se saca las muestras y tiene una concentración de alcohol de ocho centésimos del uno por ciento (0,08%) o más, entonces se lo podría acusar de Manejar con una Concentración Ilegal de Alcohol (DUAC), según la Sección 56-5-2933.
- Si usted tiene una concentración de alcohol de quince centésimos del uno por ciento (0,15%) o más, se le deberá suspender el derecho de manejar en Carolina del Sur por lo menos durante un (1) mes.
- Usted tiene el derecho de que una persona que usted elija y que esté capacitada para hacerlo, realice sus propios análisis adicionales, los cuales usted mismo tiene que pagar y en ese caso, el agente debe brindarle ayuda si usted lo solicita.
- Usted tiene el derecho de solicitar una audiencia administrativa dentro de los treinta (30) días de la fecha en que se emitió la notificación de la suspensión.
- Si usted no solicita una audiencia administrativa o si se le confirma la suspensión en la audiencia administrativa, usted tiene que matricularse en un Programa de Medidas Contra el Abuso del Consumo del Alcohol y las Drogas.

Si aplica, efectúe los siguientes procedimientos:

(C) Inspecciona la boca del sujeto y quítele cualquier material extraño de la boca. (Ignore si se niega el sujeto.)

(D) Anade datos biográficos en el DataMaster DMT. (Esto es requerido para todos los exámenes aunque se niegue el sujeto.)

(E) Observe al sujeto un minuto de (20) minutos antes de obtener un ejemplar de su respiro. (Ignore si se niega.)

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### SUBJECT COPY

<table>
<thead>
<tr>
<th>Subject’s Signature</th>
<th>Officer’s Signature</th>
<th>date/time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firma del Sujeto (Recibió una copia)</td>
<td>Firma del Agente</td>
<td>fecha /hora</td>
</tr>
</tbody>
</table>

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**The second copy will be labeled in bold, “SUBJECT COPY”**.

This should be given to the subject for his/her perusal.

- **Do not take it back.** Let subject keep it.
- **Only the Officer’s copy needs to be signed.**
• The DMT will ensure the Advisement Forms were printed.
• Press applicable touch-screen icon: “Yes” or “No”
• If “No” is selected, the DMT will print the form.
• This question will be asked only if Officer answers “Yes” to question, “Is Video Activated?”
• Press applicable touch-screen icon: “Yes” or “No”
• This question can only be answered with a “Yes”.
• Pursuant to Section 56-5-2950, the subject first must be offered a breath test to determine the person’s alcohol concentration (unless subject is physically unable to provide an acceptable breath sample).
• This question can only be answered with a “Yes”.
• If Officer has not already advised Subject when this question is prompted, the DMT will allow 15 minutes to get advisements done before timing out.
* The observation period is initiated at the point the operator answers the question, "Subject’s Mouth Checked?"

* The time the observation period begins is electronically stored by the DMT. This time will be printed on the Breath Alcohol Analysis Test Report/Evidence Ticket.

* No more time-stamping by operator.
• DMT has compatible license scanning capability

• The DMT has a card-reader slot located on the left-hand, side-panel of the instrument for scanning licenses.
• If driver’s license is scanned, the data fields will be automatically populated in the screens that follow.
• Data may be entered manually with keyboard if license is not scanned.
• Data entered manually utilizing keyboard if license not available for scanning.

• If SC license is scanned, the only field not automatically populated is “Race”. Drop down box provides options to populate this field.
• To advance to next field, Officer may either use “Tab” key or touch the box-field needed.
• The solution information section of this screen is automatically populated from data entered during the last solution change.
• Officer must answer “Yes” to this question.
• The Officer will then have the ability to check all information entered for accuracy. Corrections to data entry would be made at this time.
• After each screen is reviewed, press the touch-screen icon, “Next>” to scroll to next page.
<table>
<thead>
<tr>
<th><strong>Arrest Information</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arresting Officer Name (F/M/L)</strong></td>
</tr>
<tr>
<td><strong>SMITH</strong></td>
</tr>
<tr>
<td><strong>County Code of Arrest</strong></td>
</tr>
<tr>
<td><strong>N/A</strong></td>
</tr>
<tr>
<td><strong>Agency ORI #</strong></td>
</tr>
<tr>
<td><strong>SC1234567</strong></td>
</tr>
<tr>
<td><strong>Traffic Ticket #</strong></td>
</tr>
<tr>
<td><strong>09700000</strong></td>
</tr>
<tr>
<td><strong>Accident Involved?</strong></td>
</tr>
<tr>
<td><strong>Y</strong></td>
</tr>
<tr>
<td><strong># of Injuries</strong></td>
</tr>
<tr>
<td><strong>03</strong></td>
</tr>
<tr>
<td><strong>Arrest Date</strong></td>
</tr>
<tr>
<td><strong>05/20/2008</strong></td>
</tr>
<tr>
<td><strong>Arrest Time (24-Hour)</strong></td>
</tr>
<tr>
<td><strong>15:30</strong></td>
</tr>
</tbody>
</table>
Once the entered data is reviewed, and “OK” icon is pressed, the DMT proceeds to the next screen which is the Observation Period.
During this screen, the mandatory 20 minute Observation Period is being counted down by the DataMaster DMT. The status box, indicating minutes/seconds remaining, appears in lower left-hand corner of screen.

The DMT locks the Officer out for 20 minutes unless there is a Refusal situation or other exigent circumstances.

The “Abort Observation” icon, located in the upper right-hand corner of the screen, is available in those situations in which the Observation Period needs to be terminated.
• If “Abort Observation” icon is pressed, the DMT will prompt the above question.
• Press applicable touch-screen icon: “Yes” or “No” to proceed.
<table>
<thead>
<tr>
<th>Subject Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrest Date: 05/20/2008</td>
</tr>
<tr>
<td>Accident Involved: Y</td>
</tr>
<tr>
<td>Injuries: 03</td>
</tr>
<tr>
<td>Operator Name: SMITH N JAN</td>
</tr>
<tr>
<td>Certification #: DMT098765</td>
</tr>
<tr>
<td>Operator Agency: SC9085432</td>
</tr>
<tr>
<td>Solution Lot #: 9876543</td>
</tr>
<tr>
<td>Expiration Date: 09/09/2008</td>
</tr>
</tbody>
</table>

**Observation Start Time:** 16:29

- Just as before, the start of the Observation Period will be printed on the Evidence Ticket (Breath Alcohol Analysis Test Report) along with the data entered by the Officer.
• The DMT then proceeds through its run steps
• External Standard: Statutory requirements for the simulator reading are from 0.076% to 0.084% (inclusive).
• Subject Sample: Subject is given 2 minutes to provide an adequate breath sample as determined by the DMT.
The DataMaster steps shown on the Evidence Ticket include three blank tests, two internal standard checks, and one external standard check.
After the test run steps are complete, the DMT will print out, through the stand-alone laser printer, two copies of the Breath Alcohol Test Report/Evidence Ticket.
• The DMT ensures that the test reports were printed.
• Press applicable touch screen icon: “Yes” or “No”
SOUTH CAROLINA LAW ENFORCEMENT DIVISION
BREATH ALCOHOL ANALYSIS TEST REPORT
DRIVING UNDER THE INFLUENCE

SUBJECT BIOGRAPHICAL INFORMATION

<table>
<thead>
<tr>
<th>SUBJECT NAME:</th>
<th>DONALD/B/BAKER</th>
</tr>
</thead>
<tbody>
<tr>
<td>DL NUMBER:</td>
<td>ABC123456Z</td>
</tr>
<tr>
<td>RACE:</td>
<td>WHITE</td>
</tr>
<tr>
<td>SEX:</td>
<td>MALE</td>
</tr>
<tr>
<td>DOB:</td>
<td>01/31/1969</td>
</tr>
</tbody>
</table>

| DRIVER'S LICENSE: | SC             |
| SUBJECT ADDRESS:  | 4416 BROAD RIVER ROAD COLUMBIA, SOUTH CAROLINA 29210 |

ARREST INFORMATION

| ARRESTING OFFICER: | CORBETT/L/LEWIS |
| TRAFFIC TICKET #:   | ABC123          |
| ARREST DATE:        | 02/28/2007      |

| AGENCY ORI:        | SCLED000        |
| COUNTY OF ARREST:  | 40 – RICHLAND   |
| ARREST TIME:       | 01:25AM         |

OPERATOR INFORMATION

| TEST OPERATOR:     | CORBETT/L/LEWIS |
| AGENCY ORI:        | SCLED0000       |
| CERTIFICATION #:   | DMT000001       |
| SOLUTION LOT #:    | 060806          |
| BOTTLE #:          | 0001            |
| BREATH TEST VIDEO RECORDED?: | Yes       |
| SUBJECT ADVISED OF APPLICABLE RIGHTS?: | Yes     |
| SUBJECT'S MOUTH CHECKED AND ANY FOREIGN MATERIAL REMOVED?: | Yes     |
| TWENTY MINUTES?:   | Yes             |

SUBJECT'S BREATH ALCOHOL TEST RESULTS

| TEST DATE:       | 02/28/2007 |
| OBSERVATION START TIME: | 02:00AM    |
| BLANK TEST:      | 0.00%      |
| INTERNAL STANDARD: | VERIFIED   |
| 0.08% SIMULATOR TEMPERATURE: | 34c        |
| 0.08% SIMULATOR VERIFICATION: | 0.08%     |
| SUBJECT SAMPLE:  | 0.17%      |
| BLANK TEST:      | 0.00%      |
| INTERNAL STANDARD: | VERIFIED   |
| 0.00% SIMULATOR VERIFICATION: | 0.08%     |

Subject’s Signature (Received Copy) Date/Time

Arresting Officer’s Signature

Test Operator’s Signature

VISIT WWW.SLED.SC.GOV AND CLICK ON IMPLIED CONSENT. THEN CLICK ON BREATH SITE VIDEO RECORDING. ENTER THE REQUESTED INFORMATION FROM THE BOX BELOW TO ACCESS THE VIDEO RECORDING OF THIS BREATH TEST:

**IMPORTANT NOTICE***

INFORMATION FROM THIS REPORT WILL BE USED TO ACCESS THE BREATH TEST VIDEO. ANYONE WITH THIS INFORMATION WILL HAVE ACCESS TO THE VIDEO. PROTECT THIS REPORT AS YOU WOULD ANY IMPORTANT DOCUMENT. SLED ASSUMES NO RESPONSIBILITY FOR UNAUTHORIZED ACCESS.

• Two copies of the Evidence Ticket will be printed.

• One copy will be Officer’s copy that will be signed by the Subject and the Officer.

• This copy should also have date/time recorded.
**SUBJECT BIOGRAPHICAL INFORMATION**

<table>
<thead>
<tr>
<th>SUBJECT NAME:</th>
<th>DONALD/B/BAKER</th>
</tr>
</thead>
<tbody>
<tr>
<td>RACE:</td>
<td>WHITE</td>
</tr>
<tr>
<td>SEX:</td>
<td>MALE</td>
</tr>
<tr>
<td>DOB:</td>
<td>01/31/1969</td>
</tr>
<tr>
<td>DL NUMBER:</td>
<td>ABC123456Z</td>
</tr>
<tr>
<td>DRIVER’S LICENSE:</td>
<td>SC</td>
</tr>
<tr>
<td>SUBJECT ADDRESS:</td>
<td>4416 BROAD RIVER ROAD COLUMBIA, SOUTH CAROLINA 29210</td>
</tr>
</tbody>
</table>

**ARREST INFORMATION**

| ARRESTING OFFICER: | CORBETT/L/LEWIS |
| AGENCY ORI:        | SCLED000        |
| TRAFFIC TICKET #:  | ABC123          |
| COUNTY OF ARREST:  | 40 – RICHLAND   |
| ARREST DATE:       | 02/28/2007      |
| ARREST TIME:       | 01:25AM         |

**OPERATOR INFORMATION**

| TEST OPERATOR:    | CORBETT/L/LEWIS |
| CERTIFICATION #:  | DMT000001       |
| SOLUTION LOT #:   | 060806          |
| BREATH TEST VIDEO RECORDED?: | Yes |
| SUBJECT INFORMED OF VIDEO RECORDING?: | Yes |
| SUBJECT ADVISED OF APPLICABLE RIGHTS?: | Yes |
| SUBJECT INFORMED OF TYPE SAMPLE REQUESTED?: | Yes |
| SUBJECT OBSERVED FOR A MINIMUM OF (20): | Yes |
| TWENTY MINUTES?: | Yes |

**SUBJECT’S BREATH ALCOHOL TEST RESULTS**

| DATMASTER DMT SERIAL #: 000000 |
|-------------------------------|-------------------------------|
| TEST DATE: 02/28/2007         |
| OBSERVATION START TIME: 02:00AM |
| BLANK TEST: 0.00% 02:15AM |
| INTERNAL STANDARD: VERIFIED 02:15AM |
| 0.08% SIMULATOR TEMPERATURE: 34° 02:16AM |
| 0.08% SIMULATOR VERIFICATION: 0.08% 02:16AM |
| SUBJECT SAMPLE: 0.17% 02:38AM |
| BLANK TEST: 0.00% 02:38AM |
| INTERNAL STANDARD: VERIFIED 02:38AM |

**SUBJECT COPY**

Subject’s Signature: ____________________________ (Received Copy) Date/Time: ____________________________

Arresting Officer’s Signature: ____________________________ Test Operator’s Signature: ____________________________

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**IMPORTANT NOTICE**

* The second copy will be labeled in bold, “SUBJECT COPY”. This should be given to the subject.

* Only the Officer’s copy needs to be signed.

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VISIT [WWW.SLED.SC.GOV] AND CLICK ON IMPLIED CONSENT, THEN CLICK ON BREATH SITE VIDEO RECORDINGS, ENTER THE REQUESTED INFORMATION FROM THE BOX BELOW TO ACCESS THE VIDEO RECORDING OF THIS BREATH TEST:

PASSWORD: 
ID: 

**IMPORTANT NOTICE**

* INFORMATION FROM THIS REPORT WILL BE USED TO ACCESS THE BREATH TEST VIDEO. ANYONE WITH THIS INFORMATION WILL HAVE ACCESS TO THE VIDEO. PROTECT THIS REPORT AS YOU WOULD ANY IMPORTANT DOCUMENT. *SLED ASSUMES NO RESPONSIBILITY FOR UNAUTHORIZED ACCESS.*
The DMT has the capability to capture and save the breath profile of the subject sample provided.

It will be available for viewing on SLED’s Implied Consent Website.
Implementation Plan

• Change-over to begin February 02/10/09. (effective date of new DUI law)

• Must be done progressively with each county having at least one certified DataMaster DMT operational on this date.

• High volume testing counties will have multiple new instrumentation available on 02/10/09. Low volume testing counties will initially have one.

• Conversely, it will be necessary to maintain at least one certified BAC DataMaster (per county) operational prior to this date.
Implementation Plan

• To facilitate the smoothest transition possible, SLED will begin installing DMTs (at least one per county) approximately 4-6 weeks prior to 02/10/09.

• However, they will be left “Out of Service” until that date. Subsequently, at least one BAC DataMaster will continue to be operational in each county until that date.

• On 02/10/09, via modems, the BAC DataMasters will be “Removed from Service” and the DMTs will be made “Operational.”
Implementation Plan

• It is expected that the complete change-over to new instrumentation will be completed within one month of the effective date of new legislation, 02/10/09.

• To re-state: No counties will be left without at least one certified, operational, breath-testing instrument during this change-over period; and, out of necessity, high volume testing counties will have multiple instrumentation in operation at all times.

• SCCJA re-training approximately 4,000 DataMaster Certified Operators; to begin in Fall ’08. SCCJA will be scheduling re-training. New DMT certification cards with new certification numbers will be issued.
The DataMaster has the ability to trap data electronically. Hence, its name ... DATAMASTER.
POLLING THE DATA continued . . .

- Via a modem, the data is downloaded from the instrument twice weekly; on Friday to capture all the data compiled during the week, and on Monday to capture all the date compiled over the weekend.

- The data is reviewed twice weekly, as well, to determine where, if any, service calls need to be made. These service calls would be in addition to the Routine Inspection calls which are made every 12 weeks.
• According to SLED policy, Routine Inspections of every DataMaster are made every 12 weeks. We go out every 9 weeks, in order to allow for time to bring back, repair, and return an instrument to the site if necessary.

• Once a week, the data is uploaded to SLED’s Implied Consent Website:  www.sled.sc.gov

• This website was created in order to provide the public with free access to all records generated by the Breath Testing and Video Recording Programs in SC.
POLLING THE DATA

• This information is published and available for public use, viewing, and reproduction.

• Pursuant to Section 56-5-2954, the database website was expressly created to assist and accommodate the public in FOIA requests regarding copies of any data/tests/records/maintenance/repairs/complaints, etc. generated by SLED’s Implied Consent Dept. without requiring fees charged by SLED for compilation of the information needed.
THE I.R.S.A VIDEO RECORDING SYSTEM

Investigation Recording Storage & Archive
Pursuant to Section 56-6-2953, a person who is arrested for DUI, DUAC, or Fel./DUI must have his/her conduct at the incident site and the breath test site videotaped.

- Upgraded due to technology advancements and inability to get VCR’s any longer.
- No longer have to maintain a supply of or keep up with video tapes for court
- Access video recording via internet
I.R.S.A. continued…

• The codes (Subject ID and Subject Password) needed for accessing digital recording will print at the bottom of the evidence ticket.

• If officer removes evidence ticket too quickly before printer has a chance to finish, the ID and/or password may not be legible.

• Fax evidence ticket to SLED Implied Consent for clarification. (Fax: 803-896-7351) Make sure you include a cover sheet with your name and phone number for return contact.
I.R.S.A. continued…

- However, if officer has torn off bottom of evidence ticket and chooses not to supply video codes until case goes to court, then these codes must be obtained from the officer or prosecutor.
- SLED Forensic Laboratory Policy 8.7.8, “Evidence Handling: Evidence may be retrieved by authorized employees of the submitting agency…”
- SLED I.C. Departmental Policy 8.12.7, Section C (2), “The prosecutor/officer is the responsible party for granting access to a video. All requests for video access will be made directly through the prosecutor/officer.”)
- However, if you have illegible video codes, SLED I.C. Dept. will provide the codes for you.
I.R.S.A. continued…

• To be safe, give it a few days before trying to access your video. (The videos are uploaded during non-peak hours. Yours is not the only video being uploaded to the SLED server.)

• When you access it through SLED’s website (www.sled.sc.gov), you will be asked to enter three pieces of information: Subject ID, Subject Password, and a valid email address.
I.R.S.A. continued…

• Once you have entered this correctly, it will notify you that your email was sent successfully.

• When you are looking for your email, look for an address that starts with IRSA-Breath-Test. Click on the link in the email.

• Once you pull up your video, you will have only 3 hours to access it, unless you choose to download it at that time.
I.R.S.A. continued…

• If you choose not to download it at that time, then the next time you view it, you will need to go back to SLED’s website to retrieve it again with the same 3 pieces of info you entered the first time.