

Montana Senior Operator's Guide

INTOXILYZER® 9000

Breath Alcohol
Testing Instrument

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Introduction

The purpose of this guide is to ensure that the user of the CMI, Inc. INTOXILYZER® 9000 achieves a depth of understanding prior to use of this device for evidential breath testing. The guide includes a description of the Menu Options and information on procedures for maintenance and testing.

Instrument Description / Overview

The CMI, Inc. INTOXILYZER® 9000 is an infrared-based device. The instrument is compact in size, as displayed in the picture below, allowing for easy transport.



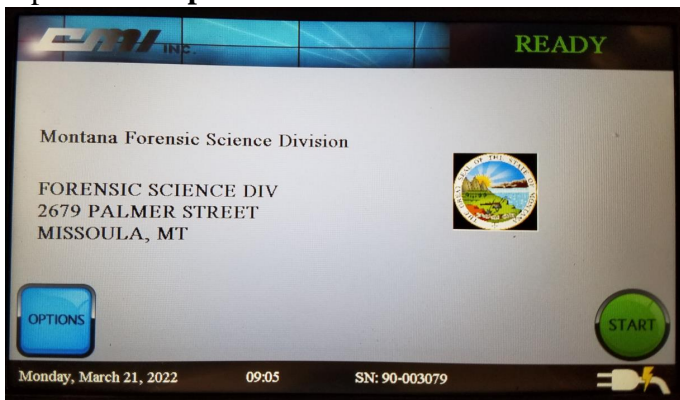
1. Mouthpiece storage area is passively heated and will store approximately 10 standard mouthpieces.
2. Breath Hose mounted on the left-hand side of the instrument to allow easy access. Breath Hose features include flexible, non-kinking, non-collapsible hose. It is also under digital temperature control to ensure that condensation does not form during a breath testing procedure. For added protection, the breath hose should remain in the instrument cradle when not in use. The hose will accept any standard mouthpiece.

3. Instrument display is a large touch screen for data entry or signatures.
4. Printer unit uses thermal roll printer paper that is customized to signal the user when the paper is near the end of the roll. Once a thin red line appears along the edge of the roll, it serves as a warning that the paper supply is very low and no more than five custom test printouts remain before running out of paper.
5. This unit is compatible with some external laser printers. It will need to be a printer that supports USB connection. There are two USB connections on the right-hand side and two on the back of the instrument.
6. Start button is the breath testing sequence activation button for the instrument.
7. There is also a USB mini keyboard and USB 2D barcode scanner attached to the instrument to aid in data entry.

Other Instrumental Features

Senior Operator Options Menu

Diagnostic and set up functions can be accomplished through the Options Menu. When the instrument is turned on the display screen will read - **NOT READY MODE**. When the instrument displays **READY MODE**, the options are active. To enter the **Options** menu, press the **Options** button on the screen. Choose the method of input (keyboard or 2D barcode scanner—2D barcode scanner is preferred if available). Note: if using the keyboard for data entry the Senior Operator must type in all the leading 0s in the Permit Number. Scan the BTS card and enter the PIN. Only currently certified Senior Operators are allowed into the **Option** menus. When the I-9000 is idle for 30 minutes, it will go into a **STANDBY MODE**. Hitting the space bar on the



keyboard or touching the screen will bring it out to the **“READY MODE”** after a two-minute warm up countdown.

When the instrument recognizes the Senior Operator, it will respond by displaying the available options on the touchscreen. See below for explanation of the available option buttons.

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Senior Operator Options Menu

Press the button on the touchscreen to enter desired option.

Display:

- **Control Testing**
- **Configuration**
- **Utility**



MENU OPTIONS

The following options are available to the operator to choose.

Menu Buttons: If Control Testing button is chosen:



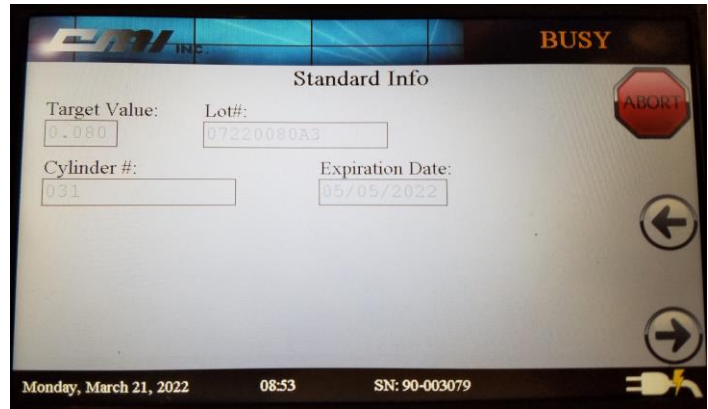
If Field Certification button is chosen:

BTS Info	
BTS Permit #	BTS Dept. Code
0000004820	06Z
BTS Last Name	
PARKS	
BTS First Name	
JACOB	
BTS Middle Name	

**Confirm BTS Permit #
Confirm BTS Dept. Code
Confirm BTS Last Name
Confirm BTS First Name
Confirm BTS Middle Name
(Note: this field will be blank)**

If any of these fields are incorrect, touch the field and use the keyboard to enter the correct data. If all fields are correct, touch the right arrow button. Note: See page 29 for all Dept. Codes.

- Confirm Target Value**
- Confirm Lot#**
- Confirm Cylinder # (this field may be blank)**
- Confirm Expiration Date**



If any of these fields are incorrect, stop immediately by pressing the **Abort** button twice quickly. The Gas Standard needs to be set in memory (see section under **Configuration: Standard Change**). If all data is correct, press right arrow button.

Confirm Last Certification Date:



Note: this field cannot be edited. Press the right arrow button.

Choose Review or Continue button:

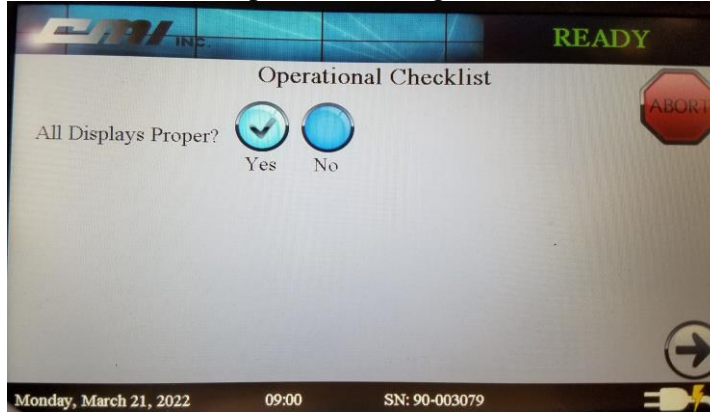
The **Review** button will allow the Senior Operator to review all data entries before proceeding. The **Continue** button begins the Field Certification process. Once the **Continue** button is pressed, the instrument will automatically complete the analytical portion of the Field Certification (see below for a Field Certification Report



example). Once the analytical portion is complete, the instrument will ask:

All Displays Proper?

The check box is already set to “Yes”, but the Senior Operator can choose “No” if there is a problem during the Field Certification. Choosing “Yes”



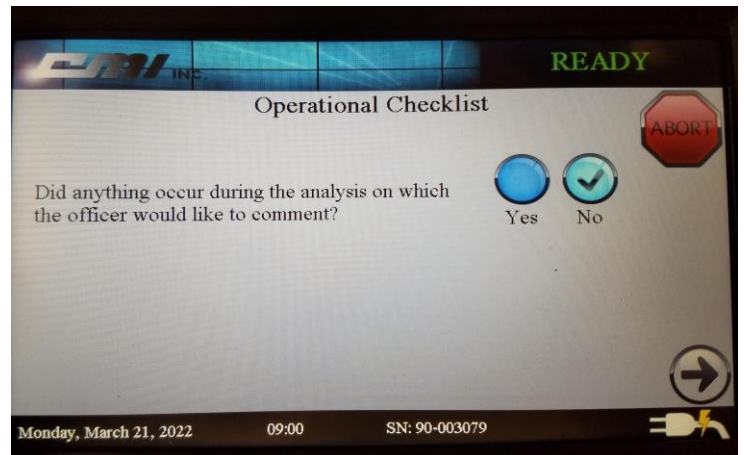
proceeds to the next question. Choosing “No” requires the Senior Operator to sign the touchscreen in the signature box then choose to repeat the test or quit. If “Yes” is chosen, the instrument

will repeat the Field Certification with all previous data. Note: The Senior Operator may use a capped pen, their finger, or any other non-sharp object to sign the signature box.

Did anything occur during the analysis on which the officer would like to comment?

The check box is already set to “No”. If the Senior Operator chooses “Yes” a box appears that allows the Senior Operator to add comments. If “No” is chosen, the

Senior Operator must choose between **Review** and **Continue** buttons. **Review** will allow the Senior Operator to review all data entries, if **Continue** is chosen the Senior Operator must sign inside the signature box and press the right arrow



button. Note: pressing the **Clear** button twice quickly will clear the signature to allow another attempt. After a good signature, press the right arrow button. The instrument will save the test and automatically print three copies. The Senior Operator’s signature will appear on all three copies. Press the back arrow button twice to return to the Ready screen. Note: the instrument will automatically return to the Ready screen after 2 minutes if no buttons are pressed.

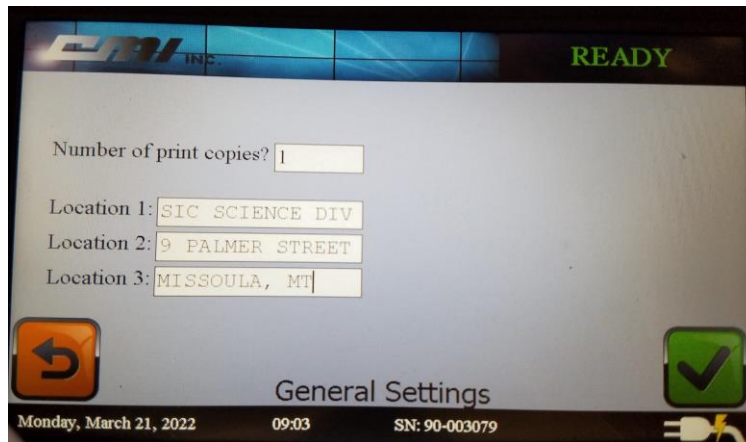
Note: If any portion of the sequence is outside of specifications (see page 32 for examples of Exception Messages), the instrument will sound an alarm and give a printout of the issue. The Senior Operator may, depending on the nature of the issue, choose to start another Field Certification sequence.

Menu Buttons: If Configuration button is chosen:

- a. General Settings button
- b. Date/Time Settings button
- c. Standard Change button



a. If General Settings button is chosen:



Number of print copies?


This should always be set to **1**. If not, select the field and change to **1** (Note: the instrument will still print three copies when it is set to 1).

Location 1: This should be the department name and department code the instrument is assigned to. If not, choose the field and


correct the data entry.

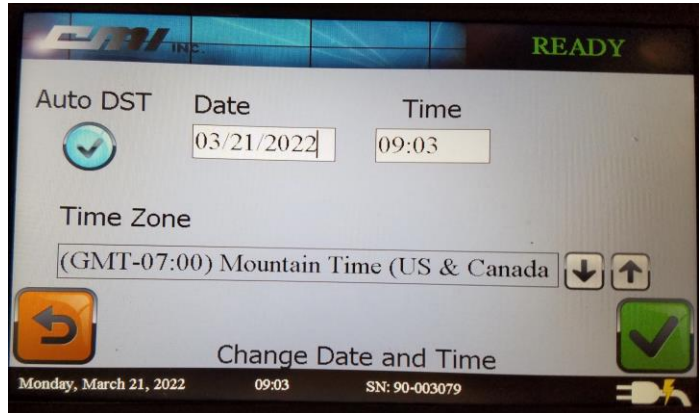
Location 2: This should be the street address of the department above. If not, choose the field and correct the data entry.

Location 3: This should be the city and state of the department above. If not, choose the field and correct the data entry.

Once all data is correct, press the green  button to save.

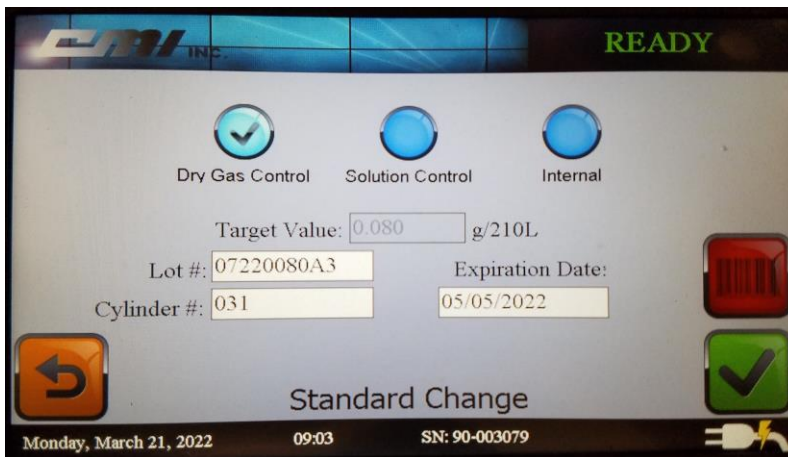
b. If Date/Time Settings button is chosen:

This is where date and time can be changed if necessary. **Auto DST** check box should be checked. **Date** field should show the correct date in mm/dd/yyyy format. If not, the Senior Operator can correct the date. The **Time** field should show current time in 24-hour time format. If not, the Senior Operator should correct the time referring to a cell phone to do so. The **Time Zone** field should show (GMT) Mountain Time (US & Canada). If not, the Senior Operator should use the arrow buttons to choose this time zone. Once all date/time data is correct, the Senior Operator must press the green  button to save all data.




c. If Standard Change button is chosen:

This is where the Senior Operator sets up the Gas Standard cylinder data in the instrument's memory. This is done when a new Gas Standard bottle is being attached to the instrument. The Senior Operator needs to make sure to acquire the



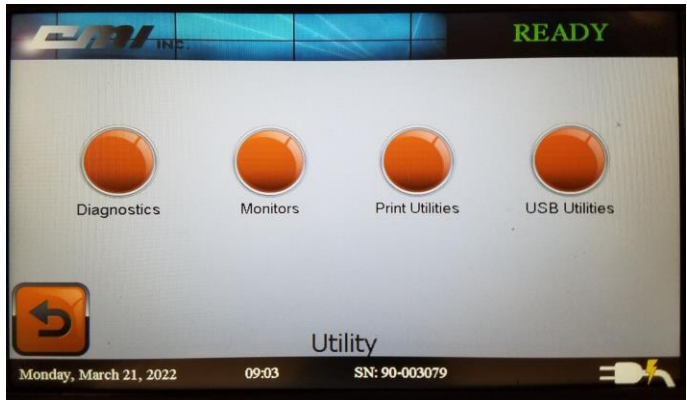
Gas Standard Approval letter from the Forensic Science Division before attaching a new Gas Standard bottle. To install a new Gas Standard bottle, remove the old bottle, choose the **Barcode** button on the touchscreen, and scan the barcode on the new Gas Standard bottle. Once the new Gas Standard bottle has been scanned, the

Senior Operator must verify all data from the new bottle and attach the bottle to the instrument. The **Dry Gas** button should be checked, the **Target Value** field should display 0.080 g/210L (Note: the instrument will only accept 0.080 g/210L values). The **Lot #** field should display the lot number from the new Gas Standard bottle label. If not, the Senior Operator must correct this data or re-scan the label. The **Cylinder Number** field should display the correct cylinder number from the new Gas Standard bottle label. If not, the Senior Operator must correct this data or re-scan the label. The **Expiration Date** field should display the correct expiration date from the Gas Standard bottle label. If not, the Senior Operator must correct this data or re-scan the label. Once all data is correct, the Senior Operator must press

the green  button. The instrument will automatically run a single test to verify that the gas bottle is at the correct target value. If the results are within specifications (± 0.005 of 0.080 g/210L), the instrument will save the new data, and this will be reported on all Breath Analysis Report Forms and Field Certification Report Forms (see examples below). A Field Certification must be run after installation of a new Gas Standard bottle.

Menu Buttons: If Utility button is chosen:

- a. **Diagnostics button**
- b. **Monitors button**
- c. **Print Utilities button**
- d. **USB Utilities button**



a. If Diagnostics Button is chosen:

The instrument will run a full Diagnostics test. This is run if the Senior Operator wants to ensure all functions on the instrument are operating correctly. If any part of the Diagnostics test fails, the Senior Operator should contact the Forensic Science Division.

b. If Monitors button is chosen:

1. DVMs button



This will display the current state of the analytical features in the instrument. The Forensic Science Division may ask a Senior Operator to enter this for troubleshooting in the field. The Senior Operator is not required to understand all the fields in the DVM display screen.

2. Simulator Monitor button

This is not used at this time.

c. If Print Utilities button is chosen:



1. If Reprint Test button is chosen:

A. If Subject Test button is chosen:



Pressing the **Printer** button will reprint the most current Subject Test in instrument memory.

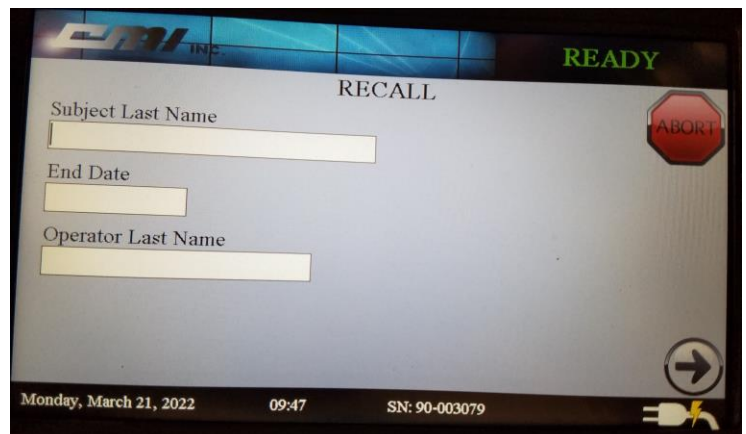
B. Field Certification Test button is chosen:

Pressing the **Printer** button will reprint the most current Field Certification in instrument memory.

2. If Recall Test button is chosen:

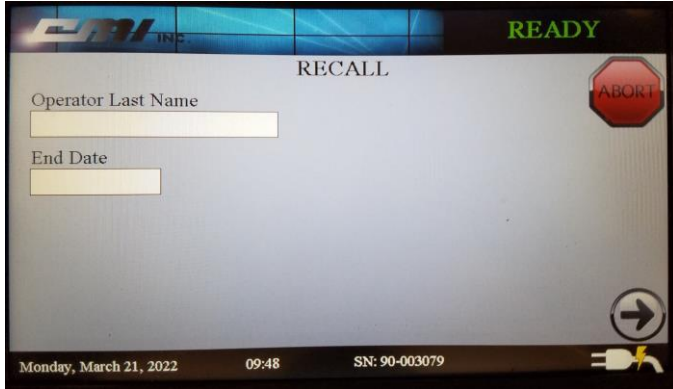
A. If Subject Test button is chosen:

This will display a **Subject Last Name** field, **End Date** field and **Operator Last Name** field. If the Senior Operator is searching for a particular Subject Test, they can enter any or all data in these fields and the instrument will display any tests that match the field entries (Note: when searching



for data use an ALL-CAPS format). If the fields are left blank, the instrument will display the last 20 tests in memory. The Senior Operator can choose the test to reprint and press the **Printer** button.

B. If Field Certification Test button is chosen:



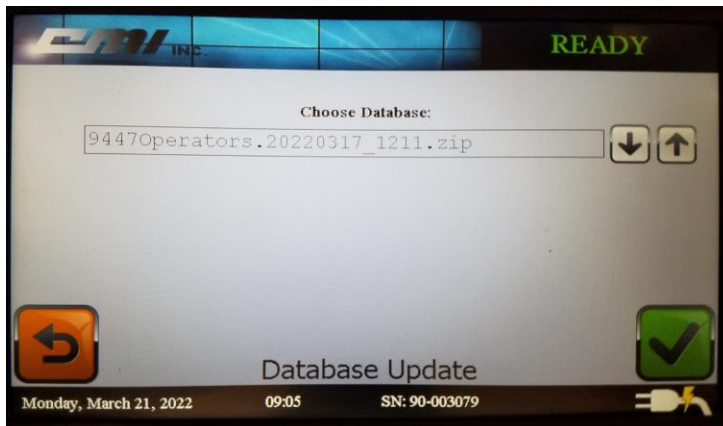
This will display an **Operator Last Name** field and **End Date** field. The Senior Operator can enter any or all fields and the instrument will display any Field Certifications that match the field entries (Note: all data is stored in All-CAPS format). If the fields are left blank, the instrument will display the last 20 tests in memory. The Senior Operator can

choose the test to reprint and press the **Printer** button.


d. If USB Utilities is chosen:



If USB Import button is chosen:



This will import new operators or update recertified operators into the instrument memory. All Intoxilyzer 9000s were assigned a USB thumb drive. The Senior Operator uses this USB thumb drive to download a current Operator file sent via an email from the

Forensic Science Division. The Forensic Science Division will always have a current Operator file ready to be emailed to any Senior Operator needing to update the Operators in their instrument. Once the new Operator file is loaded onto the USB thumb drive, the Senior Operator inserts the USB thumb drive into any USB port on the instrument (right-hand side or back) and presses the **USB Import** button. The instrument will display any Operator files on the USB thumb drive. The Senior Operator must choose the most current Operator file and press the green  button. This will load the new Operator file. Note: The Senior Operator should always delete any older Operator files on the USB thumb drive so as not to get confused which file to upload.

Contact information to request a current Operator file to be emailed to any Senior Operator is:

**Ben Vetter: BVetter@mt.gov
406-329-1126**

**Justin Lyndes: JLyndes@mt.gov
406-329-1174**

Field Certification Example:



FORENSIC SCIENCE DIVISION
DEPARTMENT OF JUSTICE
STATE OF MONTANA
2679 PALMER STREET
MISSOULA, MT 59808
(406) 728-4970

FIELD CERTIFICATION REPORT FORM

Copy 1 of 3

FSD
Intoxilizer - Alcohol Analyzer
Model 9000
03/16/2022

SN 90-003079
08:21

Last Field Certification Date = 03/15/2022
Date of Field Certification = 03/16/2022
Calibration Standard Lot Number = 07220080A3
Calibration Standard Expiration Date = 05/05/2022
Calibration Standard Value = 0.080
ITP Target Values = 0.040 0.080 0.160

Test	g/210L	Time
Air Blank	0.000	08:14
Diagnostic Test	PASS	08:14
Air Blank	0.000	08:14
ITP Check	0.040	08:15
Air Blank	0.000	08:16
ITP Check	0.080	08:16
Air Blank	0.000	08:17
ITP Check	0.165	08:18
Air Blank	0.000	08:18
Calibration Check		08:19
Channel 1	0.081	
Channel 2	0.080	
Channel 3	0.082	
Air Blank	0.000	08:19
Calibration Check		08:20
Channel 1	0.080	
Channel 2	0.081	
Channel 3	0.081	
Air Blank	0.000	08:20

Operational Checklist

- * All displays proper? = Yes
- * Did anything occur during the analysis on which the officer would like to comment? = No

Breath Test Spec. = PARKS, JACOB,

Dept. Code = 06Z

Breath Test Specialist Signature

Comments: No

Copy 1 - Attach to Arrest Report

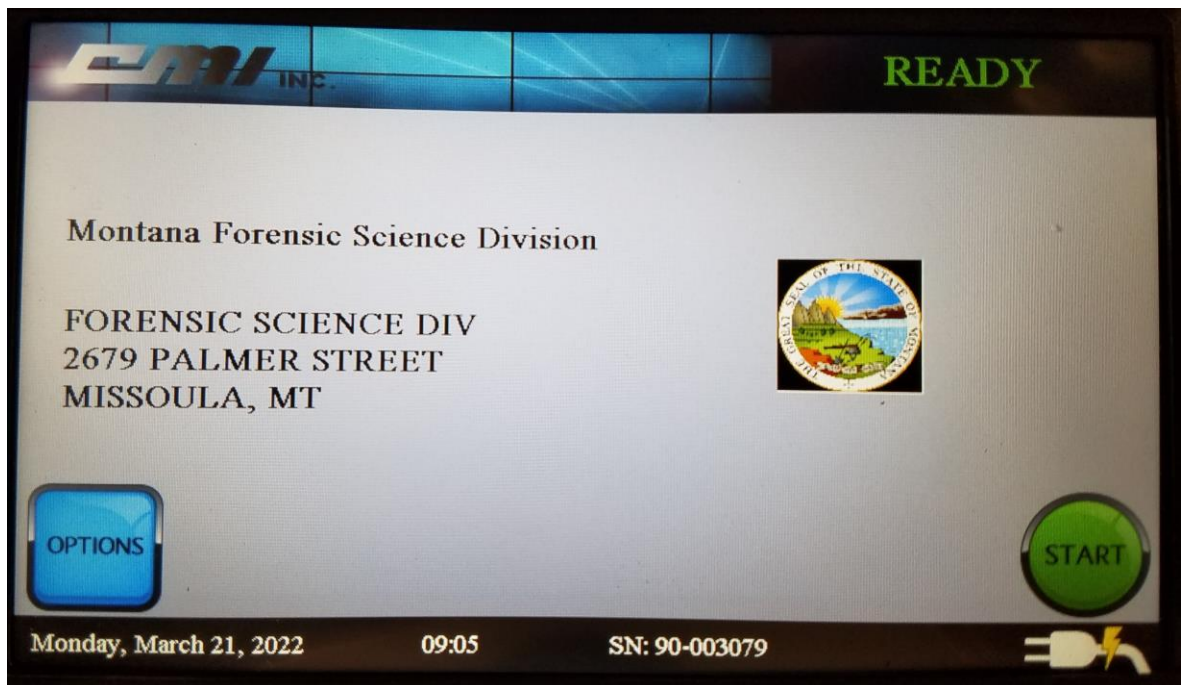
Copy 2 - To be sent to Forensic Science Division

Copy 3 - For BTS Senior Operator

Hotkey Functions

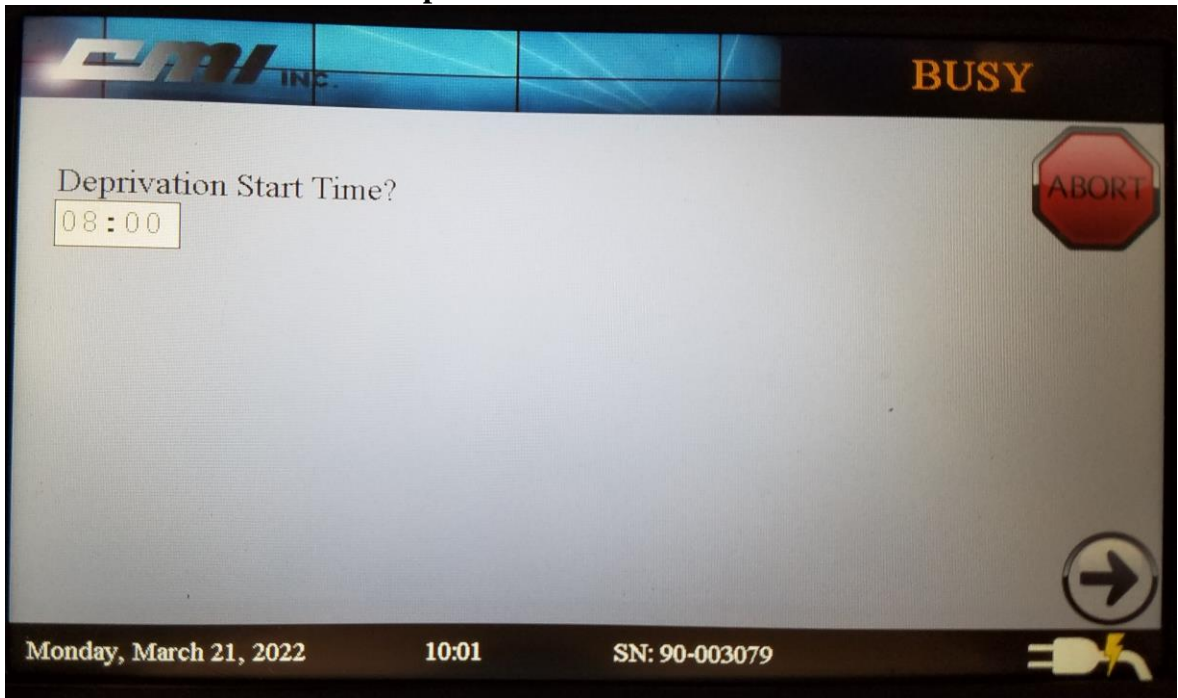
- F2** Printing...-Reprints last Subject test
- F3** Printing...-Reprints last Field Certification Form
- F4** Displays Keyboard and Barcode buttons (Barcode scanner is always preferred, if available). Either Choose the Keyboard button, enter Permit Number (with all leading 0s) and PIN, and the current BTS Permit will print. Or Choose the Barcode button, scan BTS card, enter PIN, and BTS Permit will print.

Data Entry Questions for Breath Analysis Report Form (Subject Test)



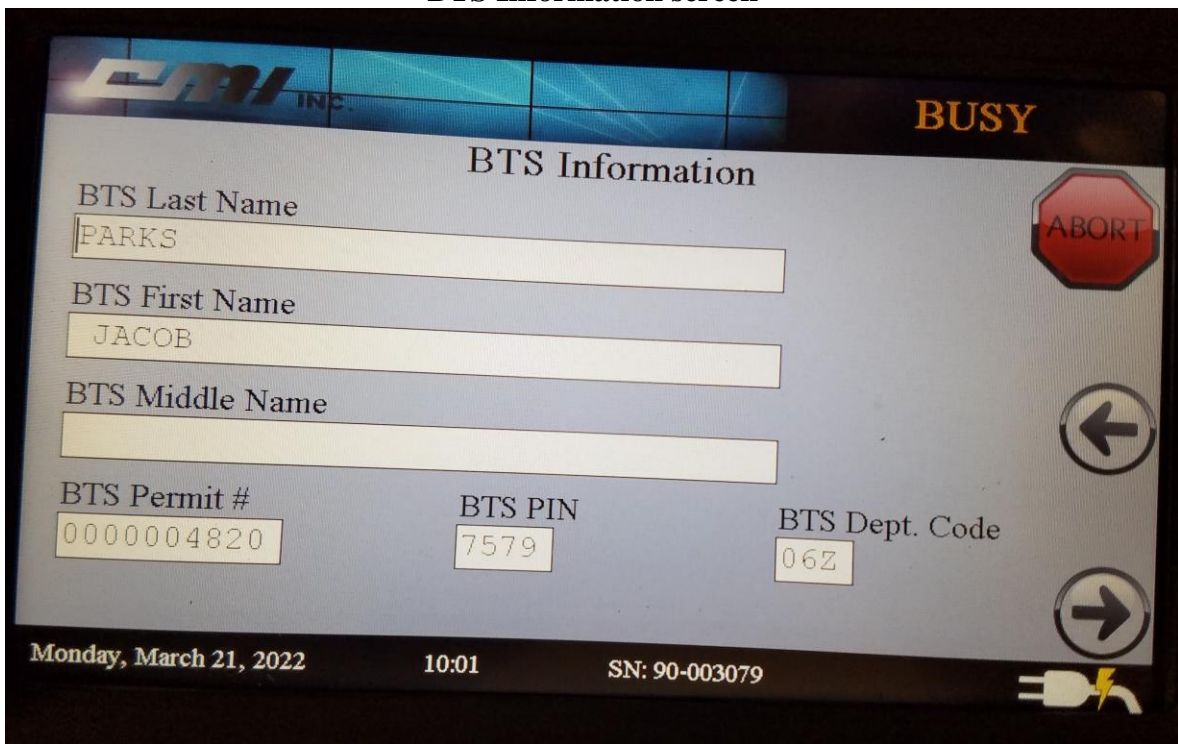
Before beginning a test, the Operator should check the Date/Time on the screen. If either is incorrect, contact the Senior Operator to reset them. To begin a Subject Test, press the Green **Start** button. Choose either the **Keyboard** button to enter data through the keyboard or the **Barcode** button to enter data with the 2D barcode scanner (this is the preferred method, if available). After pressing the **Barcode** button, scan the BTS card and enter the PIN. Note: if using the keyboard for data entry the Operator must type in all the leading 0s in the Permit Number. If the Operator is currently certified, the instrument will continue to the next screen. If the Operator is not current, the instrument will not allow any testing.

Deprivation Start Time screen



Deprivation Start Time? appears. The Operator must enter the beginning of the deprivation start time (Note: this must be at least 20 minutes prior to current time or a “wait screen” will appear).

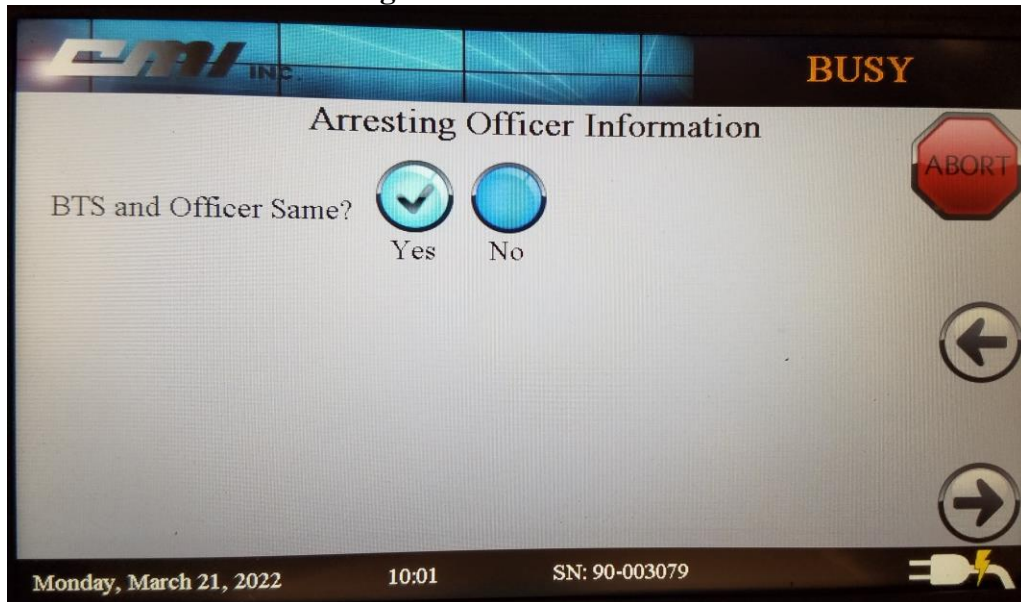
BTS Information screen



The Operator must confirm **BTS Last Name**, **BTS First Name**, **BTS Middle Name** (usually blank), **BTS Permit #** (with all leading 0s), **BTS PIN** and **BTS Dept. Code** (see

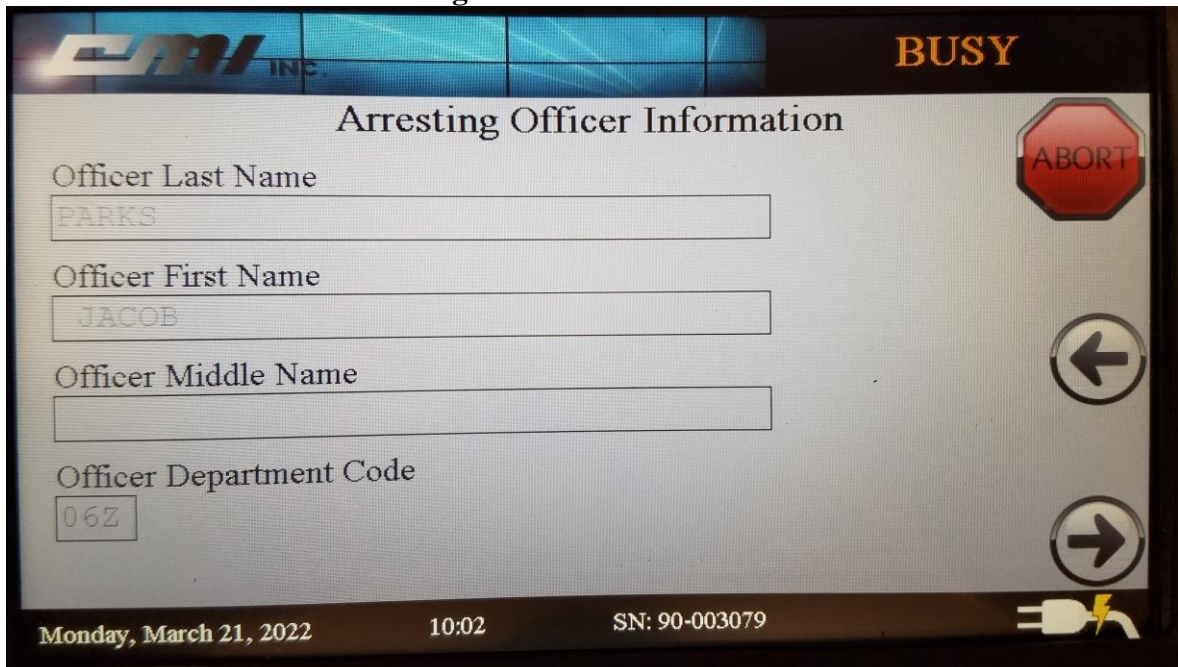
page 29 for all Dept. Codes). If all data is correct the Operator must press the right arrow button. If any data is incorrect, the Operator must choose the field and correct the data.

Arresting Officer Information screen



The screen displays **BTS and Officer Same?** The check box for “Yes” is already chosen. If this is correct, the Operator must press the right arrow button. If this is incorrect (i.e., another officer has made the arrest), the Operator must choose “No” and press the right arrow button.

Arresting Officer Information Screen



If BTS and Arresting Officer are the same person, the Operator must verify all fields are correct and press the right arrow button. Note: these fields are not editable at this time. If BTS and Arresting Officer are different, the Operator must enter the correct Arresting Officer Information in the fields provided and press the right arrow button.

Driver's License screen

The Operator must choose the **Keyboard** button or the **Barcode** button (the **Barcode** button is preferred, if available). The Operator can scan the subject's driver's license using the 2D barcode on the back (Note: if this is an out-of-state license the Operator may try to scan the driver's license, but the keyboard may have to be used). If there is no driver's license to scan, the Operator can use the keyboard to enter the subject data, if available.

Subject Information (Name) screen 1

EMI INC BUSY

Subject Information

Subject Last Name
VETTER

Subject First Name
BENJAMIN

Subject Middle Name
N

ABORT

←

→

Monday, March 21, 2022 10:02 SN: 90-003079

The Operator must verify all scanned fields are correct (or enter fields through the keyboard). If any fields are incorrect, the Operator must choose the field and correct the data. The Operator then must press the right arrow key.

Subject Information (ID) screen 2

EMI INC BUSY

Subject Information

Subject D/L State
MT

Subject D/L #
0302619734128

ABORT

←

→

Monday, March 21, 2022 10:02 SN: 90-003079

The Operator must verify all scanned fields are correct (or enter fields through the keyboard). If any fields are incorrect, the Operator must choose the field and correct the data. The Operator then must press the right arrow key.

Subject Information (Personal) screen 3

EMI INC. BUSY

Subject Information

Subject DOB MM/DD/YYYY
03/28/1973

Subject Sex M/F/U/O
M

ABORT

←

→

Monday, March 21, 2022 10:02 SN: 90-003079

The Operator must verify all scanned fields are correct (or enter fields through the keyboard). If any fields are incorrect, the Operator must choose the field and correct the data. The Operator then must press the right arrow key.

Subject Offense screen

EMI INC. BUSY

Subject Offense

Offense Code
100

Accident? Yes No

Fatality? Yes No

ABORT

←

→

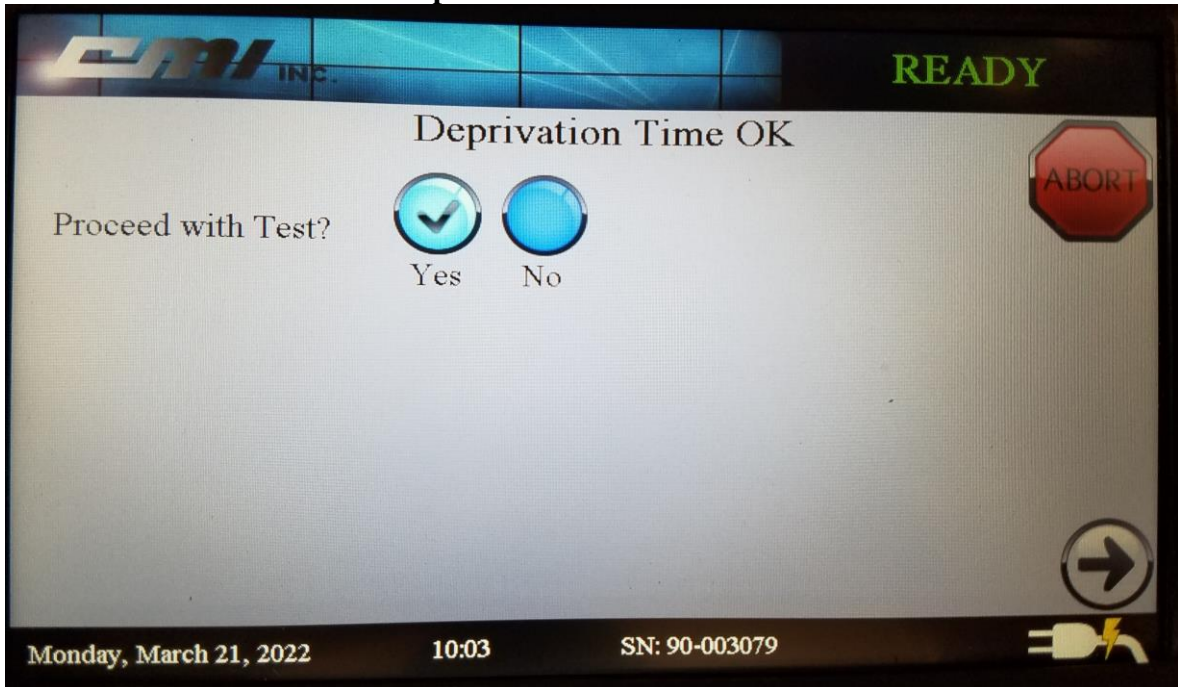
Monday, March 21, 2022 10:02 SN: 90-003079

The Operator must enter an **Offense Code** in the field (see page 29 for all Offense Codes). The Operator must answer if there was an **Accident?** “No” is already checked but can be changed to “Yes” if needed. The Operator must answer if there was a **Fatality?** “No” is

already checked but can be changed to “Yes” if needed. The Operator must press the right arrow button.

The Operator must choose **Review** or **Continue**. **Review** is chosen if the Operator wants to review all Officer and Subject data. **Continue** is chosen to start the testing sequence.

Deprivation Time OK screen



If there has been a proper deprivation time (at least 20 minutes prior to current time), the instrument will display **Proceed with Test?** The “Yes” box is already checked. The Operator must press the right arrow key. If the 20-minute deprivation period has not been met, the instrument will display a countdown to meet the 20-minute deprivation period.

Testing Sequence

The instrument begins the automatic testing sequence. During this time, the Operator should keep the subject away from the instrument until it is time to provide a breath sample. If any portion of the sequence is outside of specifications (see page 32 for examples of Exception Messages), the instrument will sound an alarm and give a printout of the issue. The Operator may, depending on the nature of the issue, choose to start another testing sequence.

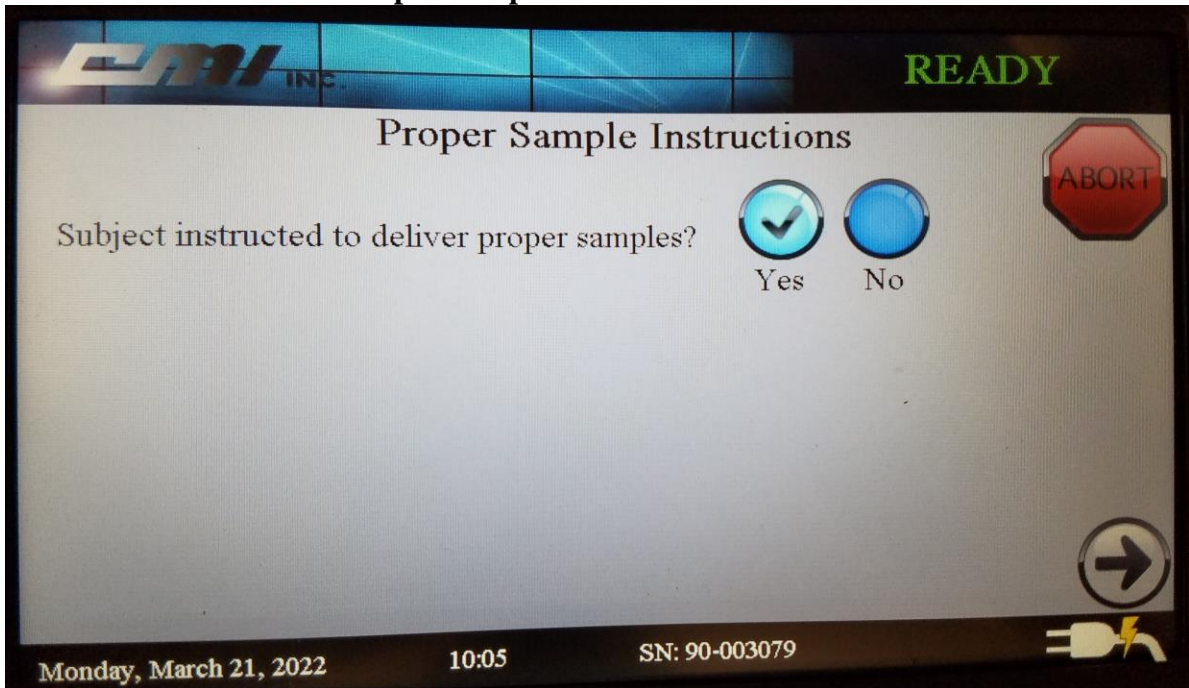
Air Blank: The instrument is clearing the tubing and chamber of any residual alcohol and setting 0.000 g/210L.

Diagnostics: The instrument is doing a self-check of mechanical and analytical functions.

Air Blank: The instrument is clearing the tubing and chamber of any residual alcohol and setting 0.000 g/210L.

Calibration Check: The instrument is checking the 0.080 g/210L Gas Standard to make sure it is reading within +/- 0.005 of 0.080 g/210L.

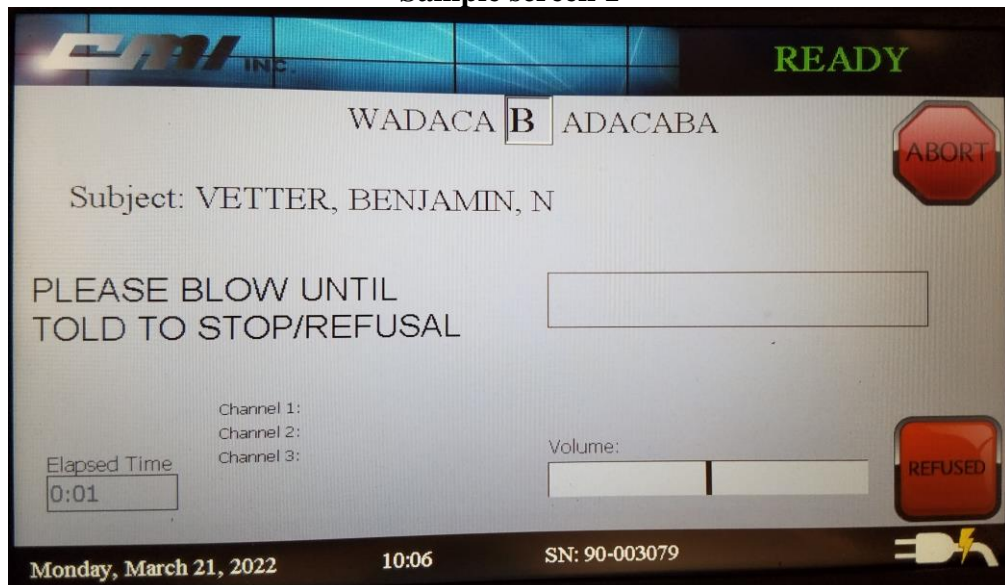
Proper Sample Instructions screen 1



The instrument displays **Subject instructed to deliver a proper sample?** The “Yes” box is already checked. The Operator must give the subject proper instructions for a breath sample (see BTS Manual for subject instruction example), then press the right arrow button.

Air Blank: The instrument is clearing the tubing and chamber of any residual alcohol and setting 0.000 g/210L.

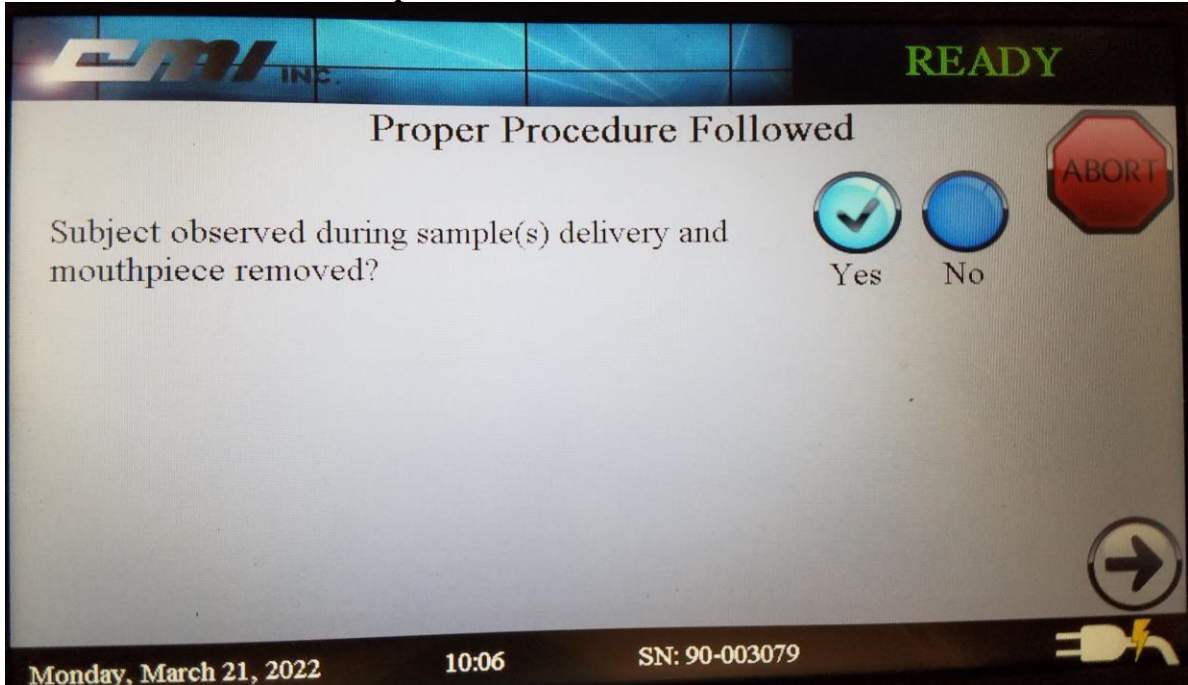
Sample screen 1



The instrument displays the subject’s name and **PLEASE BLOW UNTIL TOLD TO STOP/REFUSAL**. If the subject is refusing the breath test, the Operator must press the

REFUSAL button and the instrument will print *Subject Test Refused on the Breath Analysis Report Form. If the subject is cooperating, the Operator must attach a mouthpiece to the breath hose and have the subject provide a proper sample (see BTS Manual). During the sample delivery, the Operator will notice the subject's breath volume accruing on the screen in liters and a graphic indicating the minimum-subject-volume-required line. Once the subject has met all breath sample requirements (see BTS Manual), the instrument will triple beep and finish with the sample process. The Operator must be sure to remove and dispose of the mouthpiece. The Operator must again be sure to place the subject away from the instrument.

Proper Procedure Followed screen 1



The instrument displays **Subject observed during sample(s) delivery and mouthpiece removed?** The check box is already set to “Yes”. If these conditions were met the Operator must press the right arrow button.

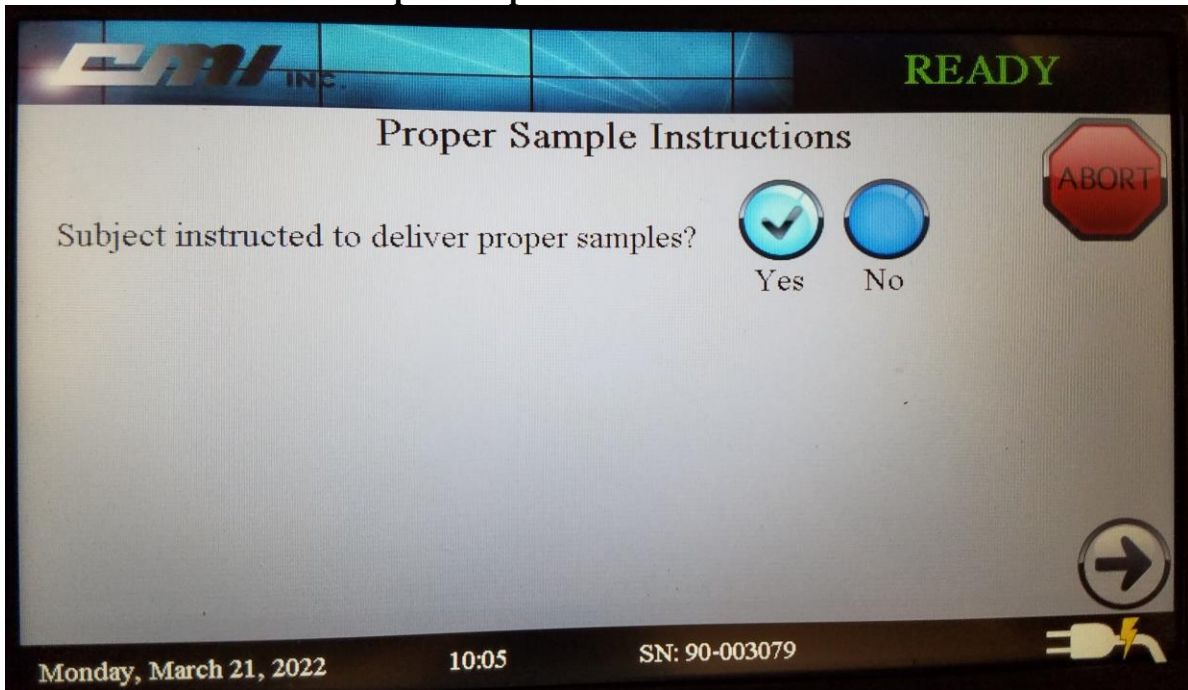
Air Blank: The instrument is clearing the tubing and chamber of any residual alcohol and setting 0.000 g/210L.

Diagnostics: The instrument is doing a self-check of mechanical and analytical functions.

Air Blank: The instrument is clearing the tubing and chamber of any residual alcohol and setting 0.000 g/210L.

Calibration Check: The instrument is checking the 0.080 g/210L Gas Standard to make sure it is reading within +/- 0.005 of 0.080 g/210L.

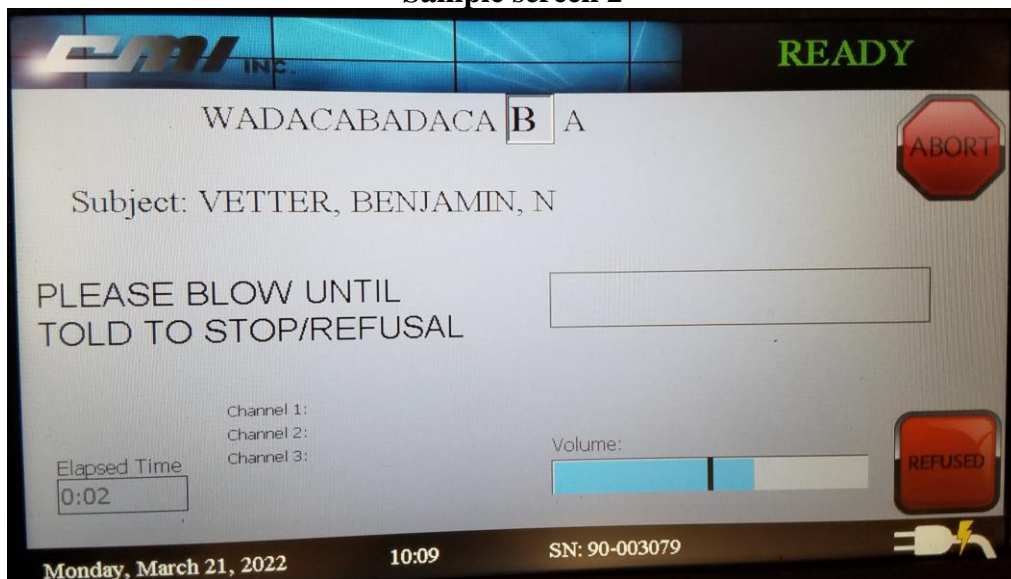
Proper Sample Instructions screen 2



The instrument displays **Subject instructed to deliver a proper sample?** The “Yes” box is already checked. The Operator must give the subject proper instructions for a breath sample (see BTS Manual for subject instruction example), then press the right arrow button.

Air Blank: The instrument is clearing the tubing and chamber of any residual alcohol and setting 0.000 g/210L.

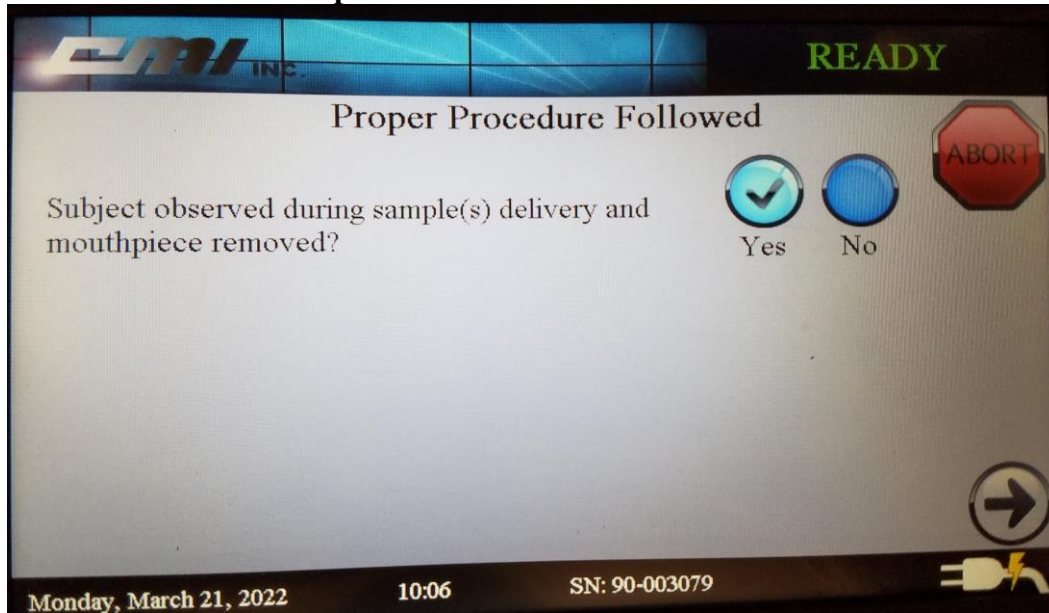
Sample screen 2



The instrument displays the subject’s name and PLEASE BLOW UNTIL TOLD TO STOP/REFUSAL. If the subject is refusing the breath test, the Operator must press the **REFUSAL** button and the instrument will print *Subject Test Refused on the Breath Analysis Report Form. If the subject is cooperating, the Operator must attach a mouthpiece to the breath hose and have the subject provide a proper sample (see BTS Manual). During

the sample delivery, the Operator will notice the subject's breath volume accruing and a graphic indicating the minimum subject volume required line. For the second sample the Operator will see a very light blue bar on the breath volume graphic. This bar indicates the subject's breath volume from the first sample. The Operator should encourage the subject to at least fill the graphic to the end of the light blue bar. Once the subject has met all breath sample requirements (see BTS Manual), the instrument will triple beep and finish with the sample process. The Operator again must be sure to place the subject away from the instrument. The Operator must be sure to remove and dispose of the mouthpiece.

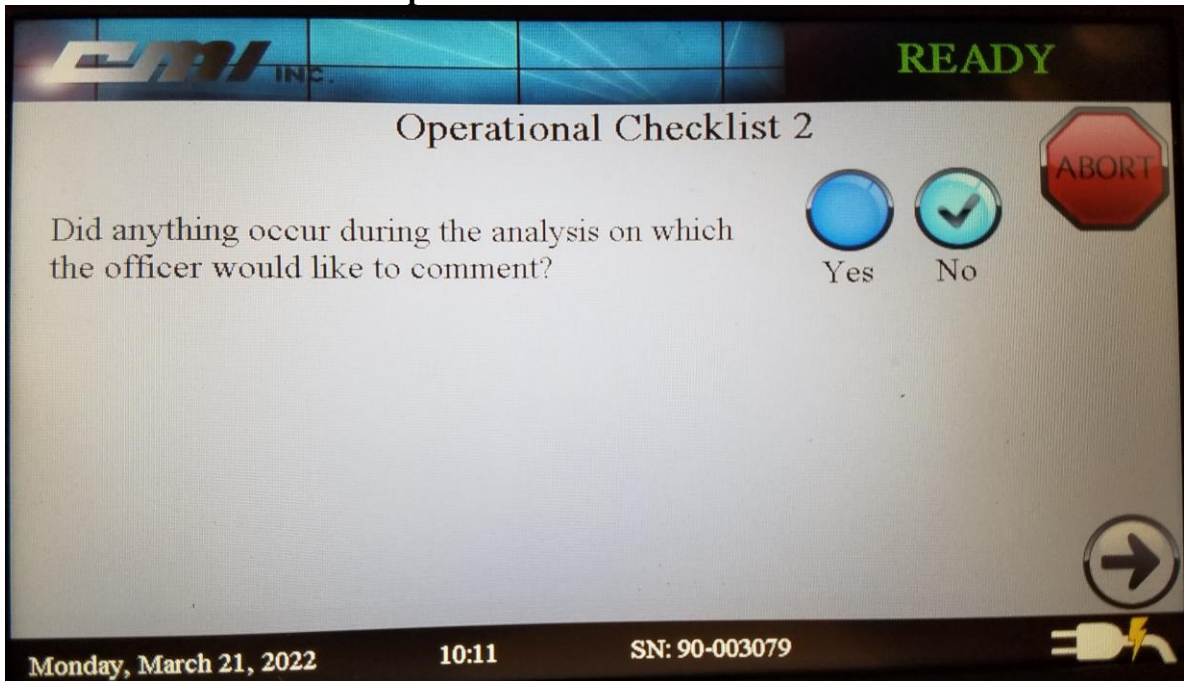
Proper Procedure Followed screen 2



The instrument displays **Subject observed during sample(s) delivery and mouthpiece removed?** The check box is already set to “Yes”. If these conditions were met, the Operator must press the right arrow button.

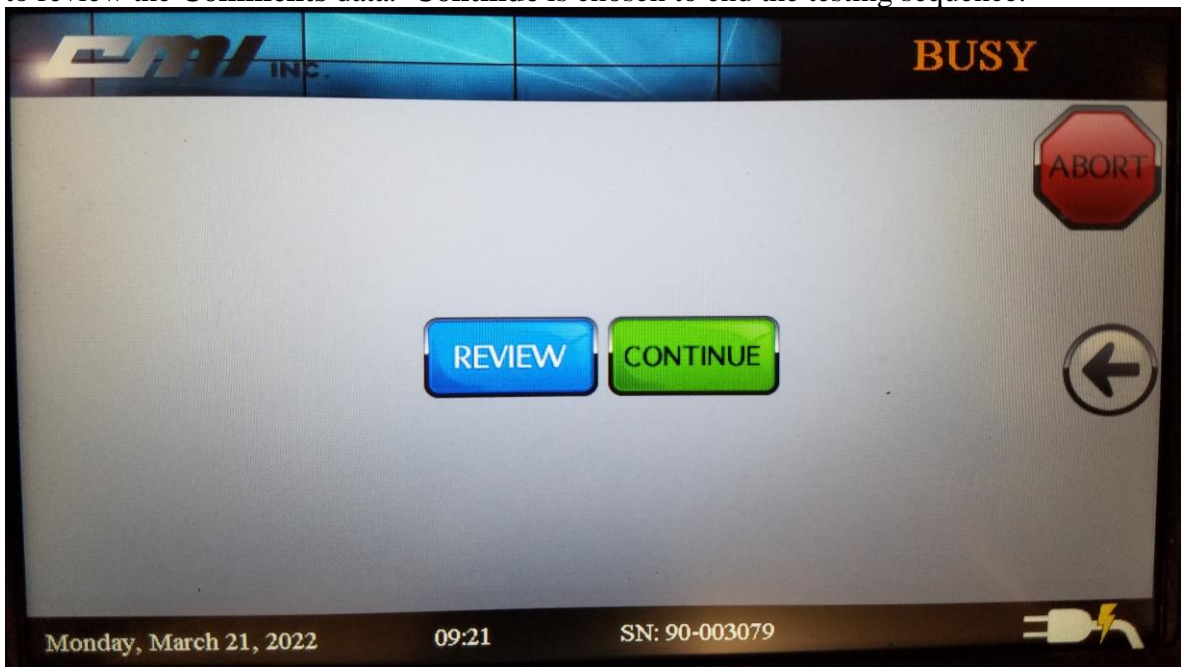
Note: the instrument is looking to ensure that sample one and sample two agree within +/- 5% of their mean. If this condition is not met, the instrument will automatically ask for a third subject sample. While the likelihood of this occurring is very low, if it does occur, the Operator should proceed with the third subject sample exactly as was done for the first two samples.

Operational Checklist 2 screen

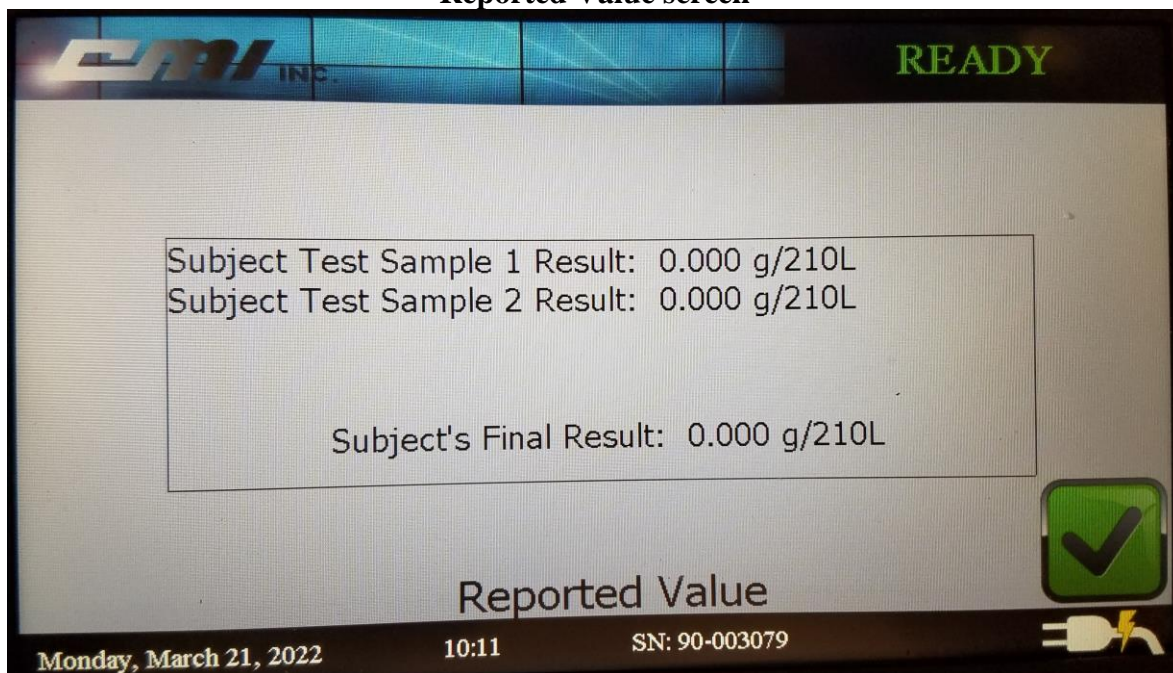


The instrument displays **Did anything occur during the analysis on which the officer would like to comment?** The “No” checkbox is already marked, if there is no comment the Operator must press the right arrow button. If there is a comment, the Operator must choose “Yes”, and the instrument displays a text box in which the Operator can add any comments.

The Operator must choose **Review** or **Continue**. **Review** is chosen if the Operator wants to review the **Comments** data. **Continue** is chosen to end the testing sequence.

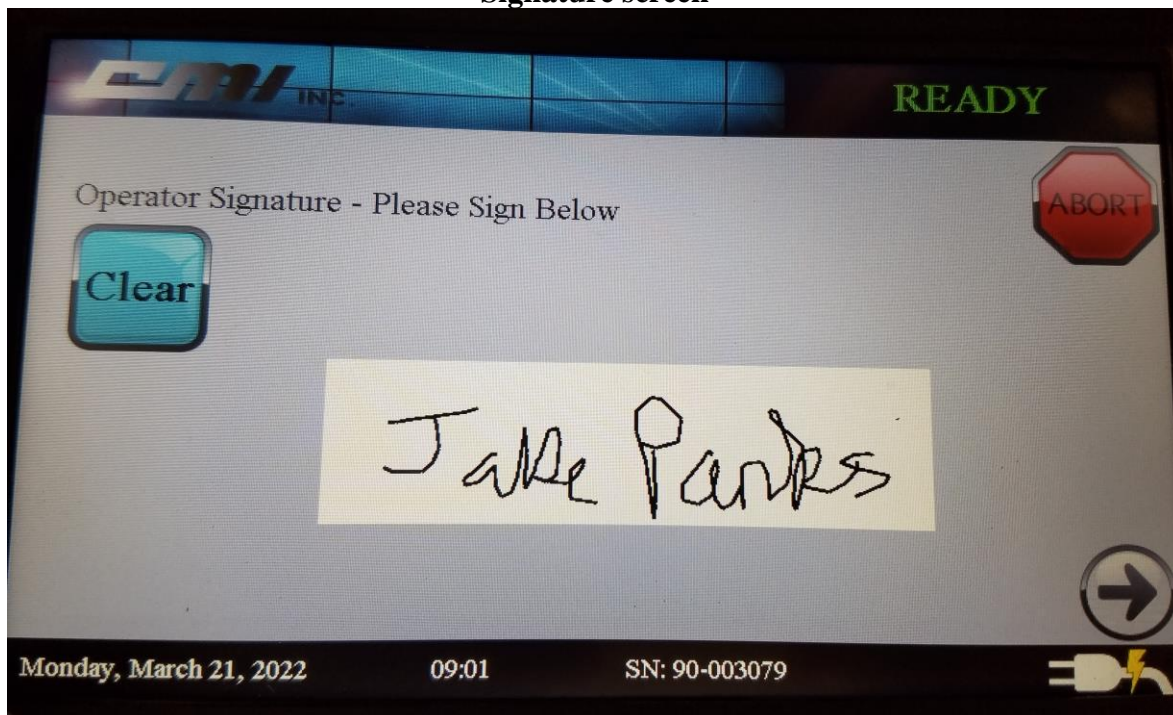


Reported Value screen



The instrument displays the reported Breath Alcohol results from each subject sample, with the Subject's Final Result being the lower of the two results that agree. The Operator must press the green button.

Signature screen



The Operator must use a capped pen, a finger, or any non-sharp object to sign their name in the signature box. If the signature is not acceptable, the Operator may press the **Clear** button twice quickly and re-sign the box.

The instrument will now print all three copies of the Breath Analysis Report Form. The Operator should check the Breath Analysis Report Form for accuracy and make any corrections as needed (i.e., misspellings, etc.).



Breath Analysis Report Form Example:

FORENSIC SCIENCE DIVISION
DEPARTMENT OF JUSTICE
STATE OF MONTANA
2679 PALMER STREET
MISSOULA, MT 59808
(406) 728-4970

BREATH ANALYSIS REPORT FORM

Copy 1 of 3

FSD Intoxilizer - Alcohol Analyzer Model 9000 02/14/2022 SN 90-003079 17:59

Deprivation Start Time = 16:56 Subject Name = SHORT, JESSE LEE Driver's License = 0711819864104 /MT Arresting Officer = OLIVER, JOSEPH Calibration Standard Value = 0.080 g/210L Lot # = 07220080A3 Offense Code = 700 DOB = 07/04/1986 Sex = M Dept. Code = 06Z Expiration Date = 05/05/2022

Table with 3 columns: Test, g/210L, Time. Rows include Air Blank, Diagnostic/ITP, Calibration Check (Channel 1-3), Subject Test (Breath Volume, Channel 1-3) at various times from 17:51 to 17:59.

Reported A/C 0.132

Operational Checklist

- * Deprivation occurred for a minimum of 20 minutes prior to the test without oral ingestion of any material? = Yes
* Subject instructed to deliver proper samples? = Yes
* Subject observed during sample(s) delivery and mouthpiece changed? = Yes
* Did anything occur during the analysis on which the officer would like to comment? = No

Breath Test Spec. = OLIVER, JOSEPH, Dept. Code = 06Z

Handwritten signature of Oliver, Joseph

Breath Test Specialist Signature

Accident Involved = Yes

Fatality Involved = No

Comments:

Copy 1 - Attach to Arrest Report

Copy 2 - To be sent to Forensic Science Division

Copy 3 - For BTS Senior Operator

The following Department Code Sheet is to be used during DATA ENTRY for the different required fields, such as “Dept Code” or “Offense Code”.

DEPARTMENT CODE SHEET

REGION 1

01A COLUMBIA FALLS PD
 01B FLATHEAD COUNTY SHERIFF
 01C FLATHEAD TRIBAL POLICE
 01D GLACIER NPS – WG
 01E KALISPELL POLICE
 01F LAKE COUNTY SHERIFF
 01G LINCOLN COUNTY SHERIFF
 01H SANDERS COUNTY SHERIFF
 01I WHITEFISH POLICE
 01J EUREKA POLICE
 01K HOT SPRINGS POLICE
 01L PLAINS POLICE
 01M POLSON POLICE
 01N RONAN POLICE
 01O ST. IGNATIUS POLICE
 01P THOMPSON FALLS POLICE
 01Q TROY POLICE

REGION 2

02A BLACKFEET LEA
 02B CONRAD POLICE
 02C GLACIER COUNTY SHERIFF
 02D GLACIER NPS SM
 02E TOOLE COUNTY SHERIFF
 02F CHOTEAU POLICE
 02G CUT BANK POLICE
 02H FAIRFIELD POLICE
 02I LIBERTY COUNTY SHERIFF
 02J PONDERA COUNTY SHERIFF
 02K TETON COUNTY SHERIFF

REGION 3

03A BLAINE COUNTY SHERIFF
 03B CHOUTEAU COUNTY SHERIFF
 03C FORT BELKNAP POLICE
 03D HAVRE POLICE
 03E PHILLIPS COUNTY SHERIFF
 03F ROCKY BOY AGENCY LEA
 03G CHINOOK POLICE
 03H HARLEM POLICE
 03I MALTA POLICE
 03J SACO POLICE
 03K HILL COUNTY SHERIFF
 03L FORT BENTON POLICE

REGION 4

04A FORT PECK AGENCY LEA
 04B GLASGOW POLICE
 04C ROOSEVELT SHERIFF WP
 04D ROOSEVELT SHERIFF CU
 04E SHERIDAN COUNTY SHERIFF
 04F SIDNEY POLICE
 04G CIRCLE POLICE
 04H MEDICINE LAKE POLICE
 04I NASHUA POLICE
 04J OPHEIM POLICE
 04K PLENTYWOOD POLICE
 04L POPLAR POLICE
 04M SCOBAY POLICE
 04N DANIELS COUNTY SHERIFF
 04O MCCONE COUNTY SHERIFF
 04P RICHLAND COUNTY SHERIFF
 04Q VALLEY COUNTY SHERIFF
 04R FAIRVIEW POLICE
 04S FORT PECK POLICE
 04T WOLF POINT POLICE

REGION 5

05A GRANITE COUNTY SHERIFF
 05B MINERAL COUNTY SHERIFF
 05C MISSOULA POLICE
 05D RAVALLI COUNTY SHERIFF
 05E DARBY POLICE
 05F HAMILTON POLICE
 05H STEVENSVILLE POLICE
 05I MISSOULA COUNTY SHERIFF
 05J U OF M POLICE
 05K MISSOULA CO AIRPORT PD
 05L SEELEY LAKE

REGION 6

06A BROADWATER CO SHERIFF
 06B GREAT FALLS POLICE
 06C JEFFERSON CO SHERIFF
 06D JUDITH BASIN SHERIFF
 06E LEWIS & CLARK SHERIFF
 06F MALMSTROM AFB
 06G MEAGHER CO SHERIFF
 06H POWELL CO SHERIFF
 06I BOULDER POLICE
 06K EAST HELENA POLICE
 06L HELENA POLICE
 06M CASCADE CO SHERIFF
 06N DEPT OF FISH/WILDLIFE
 06O DEERLODGE POLICE
 06P HELENA AIRPORT PD
 06Q DEPT OF LIVESTOCK
 06R DEPT OF JUSTICE MVD
 06S MT AIR NAT'L GUARD
 06T BELT POLICE
 06U WHITHALL POLICE

REGION 7

07A LEWISTOWN POLICE
 07B MUSSELSHELL CO SHERIFF
 07C WHEATLAND CO SHERIFF
 07D FERGUS COUNTY SHERIFF
 07E GOLDEN VALLEY CO SHERIFF
 07F PETROLEUM CO SHERIFF

REGION 8

08A FALLON CO SHERIFF
 08B GLENDIVE POLICE
 08C MILES CITY POLICE
 08D POWDER RIVER SHERIFF
 08E ROSEBUD SHERIFF FO
 08F BAKER POLICE
 08G EKALAKA POLICE
 08H RICHEY POLICE
 08I TERRY POLICE
 08J WIBAUX POLICE
 08K CARTER CO SHERIFF
 08L CUSTER CO SHERIFF
 08M DAWSON CO SHERIFF
 08N GARFIELD CO SHERIFF
 08O PRARIE CO SHERIFF
 08P WIBAUX CO SHERIFF
 08Q NORTHERN CHEYENNE PD
 08R ROSEBUD SHERIFF CO

REGION 9

09A ANACONDA/DEERLODGE LEA
 09B BUTTE/SILVER BOW LEA
 09C DILLON POLICE
 09D MADISON CO SHERIFF
 09E WHITEHALL POLICE
 09F BEAVERHEAD CO SHERIFF
 09G ENNIS POLICE
 09H BUTTE AIRPORT POLICE

REGION 10

10A GALLATIN CO SHERIFF
 10B LIVINGSTON POLICE
 10C SWEETGRASS CO SHERIFF
 10D WEST YELLOWSTONE PD
 10E YELLOWSTONE NPS LAKE
 10F YELLOWSTONE NPS OF
 10G BELGRADE POLICE
 10H BOZEMAN POLICE
 10I THREE FORKS POLICE
 10J PARK CO SHERIFF
 10K MSU POLICE
 10L MANHATTAN POLICE
 10M YELLOWSTONE NPS MAM

REGION 11

11A BILLINGS POLICE
 11B CARBON CO SHERIFF
 11C CROW AGENCY LEA
 11D LAUREL POLICE
 11E STILLWATER CO SHERIFF
 11F TREASURE CO SHERIFF
 11G YELLOWSTONE SHERIFF
 11I COLUMBUS POLICE
 11J RED LODGE POLICE
 11K BIG HORN CO SHERIFF
 11L JOLIET POLICE
 11M BRIDGER POLICE

06Z MT HIGHWAY PATROL

MISCELLANEOUS

12A U.S. FOREST SERVICE
 12B F.B.I.
 12C PROBATION/PAROLE
 12D COURT ORDERED
 12E OTHER

OFFENSE CODES FOR INTOXILYZER

DUI **100**
 PER SE VIOLATION 101
 DUI/PER SE COMBINATION 102
 MINOR IN POSSESSION 103
 .04 CDL VIOLATION 104
UNDER 21 YOA OVER .02 **105**

NEGLIGENT HOMICIDE 200
 DELIBERATE HOMICIDE 201
 MIT. DELIBERATE HOMICIDE 202
 ENDANGERMENT 203

ASSAULT 300
 NEG. VEHICULAR ASSAULT 301
 DOMESTIC ABUSE 302

SEXUAL ASSAULT 400
 SEX W/O CONSENT 401
 DEV. SEX. CONDUCT 403

DISORDERLY CONDUCT 500

COURT ORDERED TEST 600
 PROBATION/PAROLE TEST 601
 OFFICER INVOLVED 602

TRAINING 700

OTHER 800

RACE CODES

WHITE (CAUCASIAN) 01
 NATIVE AMERICAN 02
 BLACK 03
 HISPANIC 04
 ASIAN 05
 OTHER 06

Intoxilyzer 9000 Disabled Mode Worksheet

This guide will help you if your Intoxilyzer 9000 has been locked in a **Disabled** mode. You will know the instrument is in **Disabled** mode because it will display **DISABLED** in red letters in the upper right-hand corner of the main screen. The instrument will not allow any testing until a Senior Operator corrects the issue. First, you must make the determination as to why the instrument has become disabled. The checklist below will explain this fully:

1. Check that the Gas Standard cylinder has not been emptied.
 - a. The instrument will warn every user when the pressure in the cylinder reaches 100 PSI. This warning is displayed on the main screen.
 - b. If the cylinder is not changed before the pressure reaches 25 PSI, the instrument will go into the **Disabled** mode.
 - c. To check for this, look at the gas cylinder pressure gauge located where the cylinder attaches to the instrument and ensure that the pressure on the gauge has not dropped near 0 PSI.
 - d. If pressure gauge looks like it is close to 0 PSI, follow the instructions under the **Configuration: Standard Change** menu instructions above.
 - e. If the pressure gauge shows sufficient pressure, continue.
2. Check that the Gas Standard cylinder has not expired.
 - a. The instrument will warn every user 30 days prior to the gas standard expiration. This warning is displayed on the main screen.
 - b. If the cylinder is not changed before 30 days are reached, the instrument will go into the **Disabled** mode.
 - c. To check for the upcoming expiration date, the Senior Operator should refer to the Gas Standard cylinder label.
 - d. If the date has passed, follow the instructions under the **Configuration: Standard Change** menu instructions above. If the date has not passed, continue.
3. Check that the last valid Field Certification was not more than 31 days ago.
 - a. According to the ARMs the Intoxilyzer needs to be Field Certified at least once every 31 days.
 - b. The instrument keeps track of the last valid Field Certification for you; however, it **will not** give any warning before going into the **Disabled** mode if the 31 days are passed.
 - c. To check for this, you will need to look at the last valid Field Certification and ensure that it was not more than 31 days ago. Press the F3 button for a reprint of the last Field Certification, if needed.
 - d. If more than 31 days have passed, run a Field Certification and this should get the instrument out of the **Disabled** mode.

4. If all this fail, read the disabled mode message carefully.
 - a. For all the above reasons, the instrument will give a disabled message that reads '**Disabled Mode Call Senior Operator**'.
 - b. However, the Intoxilyzer will also keep track of the Laboratory Certification date and will not allow the instrument to go beyond 365 days without a valid Laboratory Certification.
 - c. If the disabled message reads '**Disabled Mode Call Forensic Science Division**', you will need to send the Intoxilyzer to the Lab for the annual Laboratory Certification. The instrument will display a warning on the main screen 30 days prior to the due date of the Laboratory Certification.

Please feel free to contact us with any problems you are having, and we will be happy to guide you through these processes. Thank you for your time and efforts!

Phone: 728-4970

Email: BVetter@mt.gov (Ben) or JLyndes@mt.gov (Justin)

Exception Messages

The Intoxilyzer 9000 will give an exception message if any part of a test is outside of specifications, or any other issue is detected that could affect a test. Below is a list of some of the more common exception messages and what they mean:

RFI Detect: This means the instrument has detected an RFI (Radio Frequency Interference) and stopped the testing sequence. The Operator should try and locate the source of the RFI (cell phone, police radio, laptop, etc.) and turn off the device or move the device away from the instrument before starting another test.

Improper Sample: This means the Operator allowed the subject to provide a breath sample at the improper time. The Operator must only allow a breath sample to be provide when the screen displays “PLEASE BLOW UNTIL TOLD TO STOP/REFUSAL”. The Operator may start another test if this message is displayed.

Invalid Sample: This means the instrument has detected an issue with the incoming breath sample. Since this could mean that mouth-alcohol is present, the Operator must start another 20-deprivation period before restarting the test.

Diagnostic Fail: This means that the instrument has detected a problem during a Diagnostic test. If an Operator sees this message, they should retain the printed report and give this to the Senior Operator at their earliest convenience.

Ambient Fail: This means the instrument has detected an ambient condition in the room that is interfering with the test. This could be from a chemical in the room (such as a cleaning solution) or from the subject’s alcohol laden breath if they are too close to the instrument. The contamination should be removed (i.e., place the subject farther away from the instrument) before starting another test.

Disabled Mode: This means the instrument cannot be used at this time. The Operator must contact the Senior Operator in order to get the instrument out of this mode.

Montana Administrative Rules

7/13/12

23.4.201 DEFINITIONS

Unless the context requires otherwise, the following definitions apply to this subchapter:

(1) "Accessory" means any device or item, which may or may not be expandable, but assists in the operation of the breath analysis instrument.

(2) "Alcohol" means an organic hydrocarbon molecule which contains a hydroxyl (oxygen, hydrogen) as its primary functional group, such compounds to include such common alcohols as: methanol, ethanol, isopropanol, and all other compounds chemically classified as an alcohol.

(3) "Alcohol analyses" includes any testing required to achieve a result demonstrating the presence and/or concentration of alcohol in breath, blood, or any other bodily substance.

(4) "Alveolar air" means that air which is located in the alveoli of the lungs and is responsible for the exchange of gases between the blood and the lung. This is the type of breath upon which the 2100:1 breath blood ratio is established.

(5) "Anticoagulant" means any substance which prevents the clotting of the blood sample.

(6) "Associated equipment" means:

(a) any device which can be directly attached to the breath analysis instrument and is not considered an expendable item, i.e., a wet bath simulator; or

(b) any approved device capable of capturing and analyzing deep lung air to detect and verify the presence of alcohol, i.e., a PAST device.

(7) "Blood" refers to whole blood, serum, or plasma.

(8) "Breath" refers to that portion of the exhaled deep lung air that is collected for alcohol analysis.

(9) "Breath analysis instrument" means any device which is capable of capturing and analyzing deep lung air to establish the concentration of alcohol contained in that sample. Such instruments must be approved by the Forensic Science Division.

(10) "Breath analysis instrument change" means any substitution or replacement of any electronic, optical, or mechanical part or device which adheres to the original specification(s) and does not affect or change the analytical or operational sections of the breath analysis instrument. Such change does not require reapproval of the breath analysis instrument.

(11) "Breath analysis instrument modification" means any alteration, variation, or redesign of any part, device, or electronic circuit which directly affects, alters, varies, or changes the analytical and/or the operational section of the breath analysis instrument. Such modification may at the discretion of the division, require reapproval of the breath analysis instrument.

(12) "Breath analysis instrument update" means any advancement, augmentation, addition, or replacement of any part or device with a different specification, which may or may not affect the analytical or operational sections of

the breath analysis instrument. Such update may, at the discretion of the division, require reapproval of the breath analysis instrument.

(13) "Breath-test specialist" means a person qualified under these rules to use a breath analysis instrument or a preliminary alcohol screening device, i.e., PAST device. Depending on the person's degree of training as set forth in ARM [23.4.216](#), he/she may be certified as:

- (a) operator;
- (b) senior operator; and/or
- (c) technician.

(14) "College of American Pathologists" means the organization nationally recognized by that name with headquarters in Northfield, Illinois, which surveys clinical laboratories upon their request, and accredits clinical laboratories which it determines meet its standards and requirements.

(15) "Deep lung air" means that air which comes from the deeper section of the lung and contains only a portion of alveolar air. This is the type of breath captured by the breath analysis instrument.

(16) "Department" means the Department of Justice.

(17) "Division" means the Forensic Science Division of the Department of Justice.

(18) "The Joint Commission" (formerly known as The Joint Commission on Accreditation of Hospitals) means the organization nationally recognized by that name with headquarters in Chicago, Illinois, that surveys health care facilities upon their request and grants accreditation status to any health care facility that it determines meets its standards and requirements.

(19) "Laboratory" means the Forensic Science Division.

(20) "Manufacturer" means the actual producer of the breath analysis instrument, associated equipment, accessories, and/or supplies.

(21) "MLEA" means Montana Law Enforcement Academy.

(22) "NHTSA" means National Highway Traffic Safety Administration.

(23) "POST council" means Police Officer Standards and Training Advisory Council of the Montana Board of Crime Control.

(24) "Preliminary alcohol screening test" or "PAST" means any device meeting the definition of (8)(b).

(25) "Preservative" means any chemical which inhibits the development of bacterial growth in a collected blood sample or which inhibits or prevents enzymatic hydrolysis of drugs by cholinesterase, i.e., potassium oxalate and sodium fluoride.

(26) "Renewal materials" in ARM [23.3.217](#) means materials which relate to the field of breath alcohol testing, and may include an exam, a practical demonstration on the instrument, current legal decisions, or updates on instrument technology and operation.

(27) "Sample" means blood, breath, urine, or other biological fluid to be analyzed for the presence of drugs and/or alcohol pursuant to this subchapter. All samples must be of sufficient volume so that complete analysis may be performed.

(28) "SFST/HGN" means standardized field sobriety testing/horizontal gaze nystagmus.

(29) "Supply" means any item which is consumed during one or more test modes of the breath analysis instrument or associated equipment, i.e., simulator solution and mouthpieces.

(30) "Test," in reference to a breath analysis, means a full and complete analysis of properly delivered breath sample or samples. Such analysis is to be considered complete when the breath analysis instrument has executed its prescribed program, a final result known as the reported alcohol concentration is obtained, and a printed record is produced by the breath analysis instrument. All breath analyses must be performed in accordance with the procedures set forth by the Forensic Science Division. In reference to other biological sample analysis, a test of the sample may consist of more than one analysis of the submitted sample or samples in accordance with the procedures set forth by the Forensic Science Division.

(31) "Vendor" means any company or representative or a manufacturer responsible or involved in the sale and/or marketing of breath analysis instrumentation, associated equipment, accessories, and/or supplies.

23.4.203 EXEMPTIONS

(1) The following are exempt from the certification required by this subchapter:

- (a) all clinical and hospital laboratories under the direct supervision of a pathologist or certified medical technologist which are either licensed by the Montana Department of Health and Environmental Sciences or accredited by the College of American Pathologists, the Joint Commission on Accreditation of Hospitals, or some other similar health accrediting authority;
- (b) a laboratory operated by the department.

23.4.209 BREATH ANALYSIS INSTRUMENTS

(1) All models of breath analysis instruments used to administer testing according to [61-8-402](#), MCA, must be approved by the division. The models operated by certified operators and/or senior operators prior to and on the effective date of this rule are deemed approved by the division.

23.4.210 SURVEYS AND PROFICIENCY TESTS

(1) Equipment and records used by nonexempt certified persons or persons applying for certification for blood testing are subject to on-site inspections by representatives of the division.

(2) The person shall accept from the division for analysis periodic evaluation samples and participate in a national blood alcohol proficiency testing program (i.e., program conducted by the College of American Pathologists).

(3) A copy of the results of evaluation sample analysis and proficiency tests shall be sent to the division.

23.4.211 BLOOD AND URINE TEST RECORDS

(1) All nonexempt persons performing blood and urine tests and/or analyses shall maintain the following records:

- (a) proof of certification;
- (b) records of tests performed and the results; and
- (c) records of maintenance of instrumentation.

23.4.212 BREATH ANALYSIS INSTRUMENTATION AND ASSOCIATED EQUIPMENT

(1) All manufacturers/vendors of breath analysis instruments, associated equipment, and supplies are required to submit such breath analysis instrumentation, associated equipment, or supplies to the division for formal state approval prior to introduction into the state of Montana.

(2) A record of all breath analysis instruments which have met the approval criteria established by the division shall be kept on file at the division.

(3) A record of all associated equipment and supplies which have met approval criteria established by the division shall be kept on file at the division.

(4) The division reserves the right to withdraw approval status of any breath analysis instrument, associated equipment, or supply, or the manufacturer's/vendor's approval to market said product, if the manufacturer/vendor fails to comply with the provisions set forth in the approval criteria or regulations pertaining to the manufacturer's/vendor's responsibilities to the state of Montana.

(5) Manufacturers/vendors of breath analysis instrumentation, equipment, and/or supplies must comply with the following regulations:

(a) All manufacturers/vendors must have a completed and signed application on file with the division.

(b) All manufacturers/vendors must provide technical manuals, schematics, and other material necessary for operation, preventative maintenance, and repair of the breath analysis instruments and associated equipment.

(c) The manufacturer/vendor shall provide at least two breath analysis instruments for the approval process. The manufacturer/vendor shall provide at least two (or more at the request of the division) associated equipment devices for the approval process.

(d) The manufacturer/vendor shall, if requested to do so, send at least one representative knowledgeable in the technology and electronic configurations of the breath analysis instrument and capable of providing training for the personnel in the breath analysis section of the division. The manufacturer/vendor shall, if requested to do so, send at least one representative knowledgeable in the technology and electronic configurations of the associated equipment.

(e) The manufacturer/vendor must provide all information concerning any modification, change, or upgrade to an approved breath analysis instrument or approved associated equipment within six months of that modification, change or upgrade. The division will evaluate such modifications, changes, or updates and determine if such modification, change, or update necessitates reapproval of the breath analysis instrument.

(f) Failure to comply with these or any subsequent manufacturer/vendor related regulations may negate the manufacturer's approval to market additional breath analysis instrumentation, associated equipment accessories, and/or supplies in the state of Montana.

(6) The division shall have the duty to select the primary breath analysis instrument for use in the state of Montana. Selection shall be based on, but not limited to, performance of the breath analysis instrumentation in each segment of the state approval process, breath analysis instrumentation field history, legal history, manufacturer's/vendor's support capability, and references of other users.

(7) Breath samples of deep lung air shall be analyzed using only the breath analysis instrumentation or PAST devices approved under this rule.

(8) All results of a breath analysis shall be reported as grams of alcohol by weight per 210 liters of deep lung breath (G/210L). All test results will be reported on a form approved by the division. Copies of all test results will be sent to the division on a monthly schedule. Failure to file a copy of the report with the division does not invalidate the test results, if the report is on file at the testing location.

23.4.213 FIELD CERTIFICATION OF BREATH ANALYSIS INSTRUMENTS AND ASSOCIATED EQUIPMENT

(1) Breath analysis instruments shall be field certified for accuracy at least once every 31 days by a senior operator using an ethyl alcohol water standard or an ethyl alcohol gas standard which has been approved by the division and using the field certification report form for the breath analysis instrument being certified.

(a) A field certification shall consist of a series of no less than two analyses obtained using an approved alcohol standard.

(b) A field certification is valid when the results of the approved standard are at plus or minus 10% of target value. The results of the field certification shall be reported to the third decimal (0.000) and recorded on the field certification report form. If a test record card or tape is used, it shall be affixed to the field certification report which is to be kept at the testing location, and a copy of the field certification report will be prepared for the division. All field certification reports will be sent to the division on a monthly basis.

(c) The approved ethyl alcohol water standard will not be used for longer than three months after its first date of use. The ethyl alcohol gas standard will not be used beyond the expiration date listed on the standard.

(d) Results of a field certification analysis outside the range specified in this rule shall be confirmed by the senior operator. If the test results are still out of the specified range, the breath analysis instrument will be removed from service and the division shall be notified.

(e) A field certification shall be performed whenever a new breath analysis instrument is placed in service or when a breath analysis instrument is returned to service. In addition, whenever a breath analysis instrument is placed in a mobile service capacity, a field certification shall be done prior to mobile use and again at the end of mobile use. The field certification results must be on file at the testing location before the breath analysis instrument can be used for subject testing.

(f) After each use, the ethyl alcohol water standard shall be stored in a closed container and placed in a cool dark area. This storage requirement does not apply to the ethyl alcohol gas standard.

(g) The field certification report form and results will be kept on file at the testing location. The division will receive copies of all field certification report forms along with copies of all breath analysis report forms. All reports will be sent to the division on a monthly basis.

(h) Failure to file a copy of the report with the division does not invalidate the field certification, or any subject analysis performed at that location, if the report is on file at the testing location.

(i) A field certification prior to any subject test, and either calibration checks with approved alcohol standards performed during the subject test or a field certification

following a subject test, shall create the inference that the breath analysis instrument was in proper working order at the time of the subject test.

(j) A breath analysis instrument's field certification shall be considered valid for 31 days forward from the date of a proper field certification.

(2) All devices meeting the definition of "associated equipment" contained in ARM [23.4.201](#)(6)(b) shall be field certified for accuracy at least once every 31 days by a breath-test specialist who has received training approved by the division in the proper methods for conducting such analyses.

(a) A PAST's field certification shall consist of a series of no less than two analyses using an ethyl alcohol water or ethyl alcohol gas standard approved by the division.

(b) A field certification is valid when the results of the approved standards are at plus or minus 10% of target value. The results of the field certification must be recorded and maintained in the administering agency's files.

(c) Results of a field certification analysis outside the range specified in (2)(b) shall be confirmed/adjusted by the senior operator. If the test results are still out of the specified range, the PAST will be removed from service.

(d) A field certification shall be performed whenever a new PAST is placed in service or when a PAST is returned to service. The field certification results must be on file with the agency before the PAST can be used for subject testing.

(e) The individual law enforcement agencies using PASTs shall maintain a record of the field certifications of each individual device. Such record shall include but not be limited to:

(i) the date of the field certification;

(ii) the serial number of the PAST;

(iii) the results obtained and if an adjustment was made;

(iv) the lot number of the ethyl alcohol water standard or ethyl alcohol gas standard; and

(v) the name of the individual conducting the analysis.

(f) A PAST's field certification shall be considered valid for 31 days forward from the date of a proper field certification.

23.4.214 LABORATORY CERTIFICATION

(1) All breath analysis instruments shall be returned to the division for a laboratory certification. A laboratory certification shall be considered valid for 365 days from the date of a laboratory certification. Such certification shall at a minimum consist of:

(a) a complete analysis of the breath analysis instrument's diagnostic functions and settings;

(b) a series of controlled ethyl alcohol water/gas standards shall be analyzed with an accuracy requirement of +/- 5% or .005, whichever is greater, on all target values;

(c) all updates, modifications, or changes which have been approved by the division may be installed; and

(d) a review of the breath analysis instrument's sensitivity for the detection of interfering substances.

(2) A record of the laboratory certification report shall be kept on file at the division.

(3) All new breath analysis instrumentation must receive a laboratory certification prior to placement in the field. Any breath analysis instrument sent to a location other than the division, or an approved repair facility within the state of Montana for maintenance or repair is required to receive a laboratory certification from the division prior to the instrument being placed back into service.

(4) All breath analysis instruments received from the division either after the laboratory certification, preventive maintenance, or after repair, must have a field certification performed by the senior operator, as set forth in ARM [23.4.213](#), prior to analysis of any subject's breath.

(5) The results of the laboratory certification report shall be placed on file with the division and a copy of the laboratory certification shall be filed with the testing location. Failure to file with the testing location does not invalidate the laboratory certification, or any subject analysis performed at that location, if such certification is on file with the division.

23.4.215 QUALIFICATION OF BREATH ANALYSIS LOCATION

(1) All locations performing breath analysis must have one or more senior operator(s) responsible for the care, maintenance, and field certification of the breath analysis instrument. The senior operator does not have to be a member of the department which has the physical placement of the breath analysis instrument.

(2) All locations must have a sufficient number of breath-test specialists to warrant placement. The number of breath-test specialists for any location will be based on the total number of operators and senior operators within the county.

(3) All locations will provide an adequate operational environment for the breath analysis instrument. If a location fails to do so, the division shall have the right to place that location on suspension, and if the location does not meet approval within 90 days of notification of suspension, the division will revoke the location's certification. If the breath analysis instrumentation is state-owned, the breath analysis instrumentation will be removed.

(4) All locations are required to submit copies of all field certification reports and all breath analysis reports on a monthly basis. Failure to maintain this reporting schedule may result in the revocation of a testing location's certification and revocation of the senior operator's certification. Failure to file the above reports does not invalidate any subject analysis or field certification performed at that location.

(5) In order to obtain approval as a certified test location, an application must be submitted to the division. The division will review the application and will respond with its decision. Applications will be available through the division. All locations established prior to April 1, 1990, are exempt from the application requirement and are granted certification status.

(6) Temporary testing locations may be designated upon the request of a law enforcement agency if the division feels that such location is warranted. Such location must conform to all certification specifications required for a permanent testing location.

(7) Mobile testing locations may be designated upon the request of a law enforcement agency if the division feels that such location is warranted. All mobile

testing shall be done in a manner approved by the division. No formal application is required.

(8) All locations should have an equipment control form and a signed user agreement on file with the division to maintain their certification status.

23.4.216 INITIAL CERTIFICATION OF BREATH-TEST SPECIALISTS

(1) An individual meets the qualifications for an operator permit by:

(a) attending an approved training course conducted by personnel from the division;

(b) satisfactorily demonstrating knowledge of the principles of breath test analysis through discussion and examination; and

(c) satisfactorily demonstrating competent operation of the breath analysis instrumentation.

(2) The division shall issue an operator's permit to persons complying with (1)(a) through (c).

(3) If an operator candidate fails the certification examination, he/she may retake the examination within 30 days of notification of failure. An operator candidate failing the operator examination a second time, must retake the operator initial certification training course and examination.

(4) An individual meets the qualifications for a senior operator permit by:

(a) holding a valid operator permit;

(b) attending an approved senior operator training course conducted by personnel from the division;

(c) satisfactorily demonstrating knowledge of the principles of breath-test analysis through discussion and completion of the senior operator training course;

(d) satisfactorily demonstrating competent operation of the breath analysis instrumentation; and

(e) satisfactorily demonstrating competent preparation and analysis of controlled solutions utilized in field certifications.

(5) The division shall issue a senior operator's permit to an operator successfully complying with (4)(a) through (e).

(6) A person meets the qualifications for technician by:

(a) holding a valid senior operator permit for at least one year. A special exemption for this requirement may be obtained through the division;

(b) attending an approved technician training course conducted by personnel from the division, or an approved manufacturer's course in technical repair and maintenance;

(c) satisfactorily demonstrating knowledge of the technology utilized by the specific breath analysis instrument for which the individual wishes to hold a permit; and

(d) satisfactorily demonstrating competency in problem solving and repair of specific breath analysis instrument.

(7) The technician permit is held in addition to the senior operator permit. An individual holding a technician permit is required to continue the duties and responsibilities of a senior operator.

23.4.217 RENEWAL OF BREATH-TEST SPECIALIST PERMITS

(1) The division will develop and provide breath-test specialist permit renewal materials to a senior operator for each department.

(2) Senior operators shall provide the permit renewal materials to all breath-test specialists within the senior operators' department. A senior operator from another department may provide the permit renewal materials to departments with no senior operator.

(3) All breath-test specialists shall review the permit renewal materials and acknowledge review as required by the division.

(4) The senior operators shall send all acknowledgment forms to the division unless digital acknowledgment is requested by the division.

(5) The division shall renew permits for all breath-test specialists complying with

(6) A breath-test specialist failing to comply with (3) prior to expiration of her/his current permit, shall not perform any analysis of a person's breath for alcohol until the breath-test specialist's permit is renewed. All breath-test specialists who fail to comply with (3) within 90 days of the expiration date of her/his current permit must either complete an initial certification course or file a written request with the division for an exemption. Exemption requests will be reviewed and approved for good cause by the division. Good cause may include, but is not limited to, lapse in law enforcement service due to military duty, illness, death in the family, or injury. If approved, the breath-test specialist must then comply with (3) within 30 days of the division's approval date.

(7) The division may directly provide the approved permit renewal materials to, and accept acknowledgment forms from, any breath-test specialist at the division's discretion.

23.4.218 PERMITS

(1) No individual may perform a breath analysis for alcohol pursuant to [61-8-402](#), MCA, without a current permit. Individuals holding permits issued by the division shall perform only those functions designated by that permit.

(2) Permits shall expire on January 31 in the year following initial certification or permit renewal. The division has the right to deny or delay the issuance or renewal of any permit for good cause.

23.4.219 REVOCATION OF PERMITS

(1) The division may deny, deny renewal of, suspend, or revoke the permit of any permit holder who:

(a) obtained such permit falsely or deceitfully;

(b) fails to comply with any section of the rules; or

(c) fails to demonstrate that he/she can properly carry out the duties and responsibilities of the issued permit.

(2) The division has the right to revoke, suspend, or deny any permit for good cause.

23.4.220 COLLECTION OF BLOOD SAMPLES FOR DRUG AND/OR ALCOHOL ANALYSIS

(1) Blood samples will be collected from living individuals only by persons authorized by current law, upon written request of a peace officer, or officer of the

court. Blood samples that are drawn or analyzed by medical staff for medical diagnostic or treatment purposes, and not at the request of a peace officer or an officer of the court, are exempt from these rules.

(2) The skin at the area of puncture must be thoroughly cleansed and disinfected with an aqueous solution of a nonvolatile antiseptic, i.e. betadine, etc. Alcohol phenolic solution may not be used.

(3) The blood sample will be deposited in a clean, dry container. The container should then be capped or stoppered, sealed, and the following information provided:

- (a) name of the subject;
- (b) date of the collection;
- (c) time of the collection; and
- (d) evidence seal to be signed and dated.

(4) All blood samples must be of sufficient volume to provide accurate and repeatable analyses. Required volumes will be dependent on the current technology employed by the division. Any submitted sample not meeting the required sample volume will not be analyzed.

(5) The division will provide collection kits consisting of approved collection tubes and the appropriate request forms for collection of blood samples. The division reserves the right to accept or reject any blood sample submitted in a commercially available collection kit.

(6) The approved collection tube will be one that contains a preservative, sodium fluoride or its equivalent, and an anticoagulant, potassium oxalate or its equivalent. The use of other types of collection tubes will be at the discretion of the division.

(7) When possible, the peace officer requesting the blood sample shall observe the collection of the sample so that he/she may attest to the sample's authenticity.

23.4.221 COLLECTION OF POSTMORTEM SAMPLES FOR DRUG AND/OR ALCOHOL ANALYSIS

(1) Sampling of body substances other than blood, breath, or urine is considered valid only in postmortem cases. All postmortem body material must be obtained prior to the embalming process. The sample or samples must be taken by a physician, board certified pathologist, the county coroner or a designated representative of the county coroner.

(2) Whenever a postmortem blood sample is collected, all practical precautions to ensure a representative, uncontaminated sample must be employed. Care must be taken to avoid contamination of the sample by gastrointestinal contents if it is necessary to sample heart blood. There must be adequate mixing of the blood sample before withdrawal. If a heart blood sample is taken without autopsy, precautions against dilution of the blood with pleural or pericardial fluids must be employed.

(3) In any postmortem collection of blood, the primary sample for analysis shall be femoral blood. If such sample is unattainable, the next sample of choice shall be heart blood. If a heart blood sample is unattainable, the sample of choice will be urine. Any sample to be drawn will be an uncontaminated sample.

(4) In the event that no fluid samples can be preserved, tissue samples may be submitted. Preferred tissue samples to be brain, liver, lung, and kidney.

23.4.225 PRELIMINARY ALCOHOL SCREENING TESTS (PASTs)

(1) All models and/or types of PAST devices used for testing must be approved by the division. A list of approved PAST devices will be maintained at the division.

(2) Individuals conducting PASTs as authorized by statute must be certified as breath-test specialists.

(3) Individuals certified as breath-test specialists pursuant to ARM [23.4.216](#) on or before July 1, 1995, are deemed to be PAST-certified after attending a PAST operation course approved by the division. Individuals certified as breath-test specialists after July 1, 1995, are deemed to be PAST-certified.

(4) Individuals responsible for field certification of the PAST must receive training approved by the division outlining the procedures for conducting such certifications.

(5) All PAST results will be recorded in a manner approved by the division. As presently used, the results shall be reported only as positive or negative.

(6) PAST results of 0.020 G/210L or greater shall be considered positive for the presence of alcohol, and PAST results of less than 0.020 G/210L shall be considered negative for the presence of alcohol.