

KENTUCKY BREATH TEST OPERATIONAL PROCEDURES

1. Push the start test button if the display indicates the instrument is in the standby mode. If not, start with Step 2.
2. Check for **MOUTH SUBSTANCES** and read the following:
During the next 20 minutes you are not allowed to eat, drink, smoke, or place anything in your mouth or nasal passages. Do you have anything in your mouth at this time?
3. Check the date and time displayed on the instrument. Use this time as the beginning of the **20 MINUTE OBSERVATION PERIOD**. If the instrument is being used by another operator, you can use another source for the beginning of the observation time. Be sure you use that same source to ensure the 20 minutes has been conducted and noted as a different time source on your citation. The operator should transfer this time to the bottom of the evidence ticket on the 8000 instrument labeled "Time First Observed" after it has been printed. (On the 5000EN model, write "Observation Began" and the beginning time at the bottom of the corresponding evidence ticket below the "Additional Information and/or Remarks" section).
4. Check the compressed gas cylinder located at the back of the instrument to ensure it has a sufficient amount of pressure to run a test and the hoses are connected to the instrument. If a wet bath solution is being used, check to ensure the simulator paddles are spinning and the hoses are connected to the instrument. Check the breath tube to ensure it is warm to the touch.
5. **READ IMPLIED CONSENT WARNING:**

I will be requesting that you submit to a test of your breath, blood, or urine, or any combination of these tests. If you refuse to submit to any test which I request, your refusal may be used against you in court as evidence of your violation of KRS 189A.010 (DUI), and will result in the suspension of your driver's license by the court at the time of your arraignment. If you refuse to submit to the tests and are subsequently convicted of KRS 189A.010, for a second or greater offense within a ten (10) year period, your refusal will be considered an aggravating circumstance and you will be subject to a mandatory minimum jail sentence which is twice as long as the mandatory minimum jail sentence imposed if you submit to the tests. Also, if you refuse to submit to the tests and you are convicted of violating KRS 189A.010 (DUI), your license will be suspended by the Transportation Cabinet.

If you take the test or tests, the results of any test taken may be used against you in court as evidence of violating KRS 189A.010 (DUI). If you take the test or tests, you have the right to have a test or tests of your blood performed by a person of your choosing described in KRS 189A.103 (a physician, registered nurse, phlebotomist, medical technician, or medical technologist not otherwise prohibited by law) within a reasonable time of your arrest and at your expense.

Although your license will be suspended, you may be eligible immediately for an ignition interlock license allowing you to drive during the period of suspension and, if you are convicted of violating KRS 189A.010 (DUI), you will receive a credit toward any other ignition interlock requirement arising from this arrest.

6. **OFFER ATTEMPT TO CONTACT ATTORNEY** by reading the following:
During the period immediately preceding the administration of any test, you will be afforded an opportunity of at least ten (10) minutes but not more than fifteen (15) minutes to attempt to contact and communicate with an attorney. Do you wish to attempt to contact an attorney at this time?
7. After the 20 minute observation period is complete, **REQUEST** the test as follows:
Based upon the information, which was previously read to you, I am now requesting you to submit to a test of your breath. Will you now submit to the test? If yes, attach the mouthpiece and push the start test button. (On the 5000EN you will be prompted to insert an evidence ticket).

8. Depending on the state of issue of the operator's license, it may be scanned into the 8000 instrument. If it cannot be scanned (or if you are using the 5000EN), manually input the information by following the prompts on the screen.
- Subject's last name, first name, middle initial
 - Instrument operator's last name, first name, middle initial
 - Arresting officer's last name, first name, middle initial
 - Arresting officer's agency name
 - O.R.I. Type in "KY" prior to the number (5000EN already has the "KY").
 - Citation number
 - Report number if applicable
 - Driver License Number (Include state of issue on the 5000EN)
 - Driver License State of Issue for the 8000 instrument only
 - Subject date of birth (*mm/dd/yyyy* for the 8000 and *mm/dd/yy* for the 5000EN).
 - Subject Sex (M=male or F=female)
 - Subject Race (AM I=American Indian, ASIAN=Asian, B=Black, W=White). Toggle through list using up and down arrow keys on the 8000 and typing the correct response on the 5000EN.
 - Subject ethnic origin (H=Hispanic or NH=Non-Hispanic). Toggle through list using up and down arrow keys on the 8000 and typing the correct response on the 5000EN.
 - DUI related? (Y=Yes or N=No)
 - Review data? (Y=Yes or N=No) "Yes" loops back to subject name and then pressing the enter button takes you through all the above data; "No" begins the first air blank of the "ACABA" sequence.
9. When the instrument's display is at the "Please Blow/R Mode", have the subject provide a sufficient breath sample and wait for the instrument to complete the "ACABA" sequence.
10. **BLOOD TEST REVISITED** (Read this only if the subject submitted to all of your requested tests).

Since you have submitted to the requested tests, you now have the right to have a test or tests of your blood performed by a person of your choosing described in KRS 189A.103 (a physician, registered nurse, phlebotomist, medical technician, or medical technologist not otherwise prohibited by law) within a reasonable time of your arrest, at your expense. DO YOU WANT SUCH A TEST?

For operational questions of the Intoxilyzer consult your Department of Criminal Justice Training OPERATORS MANUAL or contact the DUI Enforcement Section of the Department of Criminal Justice Training at (859) 622-1328.

For service or technical questions call (502) 564-5230 and ask for the Breath Alcohol Maintenance Section of the Kentucky State Police. Provide them the following information: Your name, Instrument location, Department phone number, Time the problem occurred, Date the issues occurred. Be as specific as you can about the issues with the instrument.