



## Breath Test Operator Intoxilyzer 9000 Course

### Course Summary

**Instructional Goal:** To ensure that each student can properly operate an Intoxilyzer 9000 and collect evidence by obtaining valid breath samples in accordance with Chapter 11D-8, F.A.C.

**Structure of Course:** 7 Units

**Total Estimated Time:** 16 Hours

#### Subject Lessons:

Lesson One: Chapter 11D-8, Florida Administrative Code

Lesson Two: Breath Test Instrumentation

Lesson Three: Breath Samples

Lesson Four: Breath Tests

Lesson Five: Laboratory Practical

Lesson Six: Courtroom Testimony

Lesson Seven: Proficiency and Written Examination

#### *Instructor Note*

The lesson plans provide guidance to the instructor to effectively teach the course objectives. The instructor is responsible for effectively presenting the objectives and is free to adapt or supplement the course materials with his/her own materials to meet the needs of the students.

#### *Student Competency Requirements*

Each student must attend all lessons of the course and satisfy the following components to successfully complete this course:

**Proficiency:** Each student must achieve a “pass” grade on each of the following:

- Properly performing a breath test using the Intoxilyzer 9000 in accordance with FDLE/ATP Form 37a Operational Procedures - Intoxilyzer 9000
- Properly completing FDLE/ATP Form 38a Breath Alcohol Test Affidavit – Intoxilyzer 9000 obtained during the proficiency breath test.

**Final Written Examination:** Each student must achieve a minimum score of 80% on the final written examination.

## Breath Test Operator Intoxilyzer 9000 Course Lesson Plan

### Lesson One Chapter 11D-8, Florida Administrative Code

#### Purpose

The student will learn the role of a Breath Test Operator as it relates to obtaining and analyzing breath samples during the breath test and how to obtain and maintain a Breath Test Operator- Intoxilyzer 9000 permit.

#### Resources

Chapter 11D-8, Florida Administrative Code (F.A.C.)  
Chapters 316, 322, and 327, Florida Statutes

#### Objectives

- 1.1 **Define Breath Test Operator.**
  - A person who has been issued a Breath Test Operator permit by the Department as defined in Chapter 11D-8, F.A.C.
- 1.2 **State the role of a Breath Test Operator.**
  - To collect and analyze evidence in the form of breath samples in accordance with Chapter 11D-8, F.A.C.
    - A Breath Test Operator collects evidence by obtaining valid breath samples.
    - A Breath Test Operator uses breath test instrument to analyze the breath samples and determine the breath alcohol level.
- 1.3 **Define alcohol.**
  - Ethyl alcohol, also known as ethanol.
  - Ethanol is the alcohol contained in alcoholic beverages.
- 1.4 **Define valid breath alcohol level.**
  - The alcohol concentration by weight in a person's breath based upon grams of alcohol per 210 liters of breath (g/210L).

#### OBTAINING A BREATH TEST OPERATOR PERMIT

- 1.5 **List the requirements outlining the qualifications an applicant for a Breath Test Operator permit must meet.**
  - Eighteen years of age or older;
  - High school diploma or its equivalent;
  - Present employment by an agency, or the Department;
  - Successful completion of the basic Breath Test Operator- Intoxilyzer 9000 Course approved by the Criminal Justice Standards and Training Commission; and
  - Submit to the Department a complete written application.
- 1.6 **State an evidentiary breath test cannot be conducted until a Breath Test Operator permit is issued by the Department or confirmation of issuance from the Department is received via their training profile.**
  - In order to administer breath tests pursuant to Chapters 316, 322, and 327, Florida Statutes, a person must have been issued a Breath Test Operator permit by the Department.
  - Successful completion of the Breath Test Operator- Intoxilyzer 9000 Course alone does not necessarily mean the applicant will be issued a permit by the Department. The course completion certificate given by the Training Center is not a permit.

## PERMIT

### 1.7 Define Permit.

- Permit – when issued by the Department, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules and is authorized to perform all related duties. A permit is issued only to a qualified applicant and remains valid and in full effect until determined otherwise by the Department.
- Information concerning a person's permit can be obtained from ATMS (Automated Training Management System) or by calling the Department.
- **Breath Test Operator courses and permits for the Intoxilyzer 8000 and Intoxilyzer 9000 are not interchangeable.**

## MAINTAINING A BREATH TEST OPERATOR PERMIT

### 1.8 State a Breath Test Operator permit is maintained through successful completion of continuing education.

- Breath Test Operators must satisfy continuing education requirements in order to maintain valid permits; and
- Continuing education requires successful completion of the applicable Commission-approved Renewal Course during each Permit Cycle.

### 1.9 Define Permit Cycle as the 4-year period during which continuing education must be completed.

- For the initial cycle, this is the June 30<sup>th</sup> after the fourth year following the initial permit date. Subsequent cycles are 4 years following the end of the first cycle due date.

#### EXAMPLE:

<u>Initial Permit Date</u>	November 21, 2012
<u>4-Year Anniversary Date</u>	November 21, 2016
<u>Continuing Education Due Date/Initial Cycle Due Date</u>	June 30, 2017

### 1.10 List the requirements that must be met if continuing education is not satisfied.

- If a Breath Test Operator does not attend the applicable Breath Test Operator Renewal Course within their continuing education cycle, the permit becomes INACTIVE. The operator must not administer breath tests until they attend and successfully complete the corresponding Breath Test Operator Renewal Course by December 31<sup>st</sup> of the same year.
- Failure to complete the Breath Test Operator Renewal Course by December 31<sup>st</sup> following the permit cycle continuing education due date will result in the permit EXPIRING. If a permit EXPIRES, the full Breath Test Operator- Intoxilyzer 9000 Course must be taken and a new permit application must be submitted.

### 1.11 List the requirements that must be followed if a Breath Test Operator does not successfully complete a renewal course.

- If a Breath Test Operator fails a Breath Test Operator Renewal Course, the permit is no longer valid.
- They shall not perform the duties associated with the permit and must attend and successfully complete a full Breath Test Operator Course.



## Breath Test Operator Intoxilyzer 9000 Course Lesson Plan

### Lesson One Chapter 11D-8, Florida Administrative Code

#### Review Answers

**1. What is the role of a Breath Test Operator?**

- To collect and analyze evidence in the form of breath samples in accordance with Chapter 11D-8, F.A.C.
- A Breath Test Operator collects evidence by obtaining valid breath samples and uses a breath test instrument to analyze breath samples and determine the breath alcohol level.

**2. What qualifications must be met in order to apply for a Breath Test Operator permit?**

- Eighteen years of age or older;
- High school diploma or its equivalent;
- Present employment by an agency, or the Department;
- Successful completion of the basic Breath Test Operator Course approved by the Criminal Justice Standards and Training Commission; and
- Submit to the Department a complete written application.

**3. True or False. A Breath Test Operator can conduct a breath test after completing the Breath Test Operator Course.**

False. In order to conduct a breath test, a person must have been issued a Breath Test Operator permit. They may also confirm their permit has been issued by the Department via their ATMS training profile.

**4. To maintain a Breath Test Operator permit, when must continuing education be met?**

Continuing education requires successful completion of the applicable Commission-approved Renewal Course by June 30<sup>th</sup> following the fourth permit anniversary date, and during each subsequent four-year cycle. Continuing education may also be met during the subsequent six months following the cycle due date prior to the permit expiring.

**5. What course must be taken if continuing education is not met?**

If a Breath Test Operator does not attend the Breath Test Operator Renewal Course within their continuing education cycle, their permit will become INACTIVE, and they must not administer breath tests until they attend and successfully complete a Breath Test Operator Renewal Course. If the Breath Test Operator Renewal course is not completed by December 31<sup>st</sup> of the same year mandatory continuing education is due, the permit will EXPIRE, and the operator will need to attend the Breath Test Operator Course.

**6. True or False. A Breath Test Operator permitted to use the Intoxilyzer 8000 is automatically permitted to use the Intoxilyzer 9000.**

False. In order to conduct breath tests on an Intoxilyzer 9000 a person must have completed the corresponding Breath Test Operator- Intoxilyzer 9000 course.

**7. What course must be taken if a person fails the Breath Test Operator Renewal Course?**

If a Breath Test Operator fails a Breath Test Operator Renewal Course, they shall not perform the duties authorized by the permit and must attend and successfully complete a Breath Test Operator Course.

# Breath Test Operator Intoxilyzer 9000 Course Lesson Plan

## Lesson Two Breath Test Instrumentation

### Introduction

The student will learn about the instrumentation used to analyze breath samples in accordance with Chapter 11D-8, F.A.C.

### Objectives

#### METHOD OF ANALYSIS

##### 2.1 State the approved method for evidentiary breath testing.

- Infrared light absorption.

##### 2.2 Define and understand what a method is.

- A method is a type of alcohol analysis approved by the Department to conduct chemical or physical tests of blood or breath.
- The Intoxilyzer 9000 uses infrared spectroscopy, also known as infrared light absorption.



Figure 2.2 The CMI, Inc. Intoxilyzer 9000 breath test instrument with and without dry gas cover attached.

##### 2.3 Define and describe infrared light.

- Infrared light is invisible to the human eye.
- Infrared light refers to electromagnetic radiation (or energy in the form of waves) in the 0.75 micrometer to 1 millimeter range of the electromagnetic spectrum.

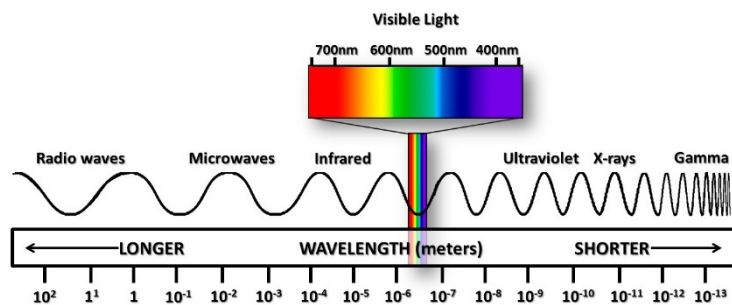


Figure 2.3 Electromagnetic spectrum.

## 2.4 Define wavelength.

- The distance between one location of a wave of light such as a crest (or peak) and the next corresponding location.
- The wavelengths of light utilized by the Intoxilyzer 9000 fall within the infrared region of the electromagnetic spectrum.

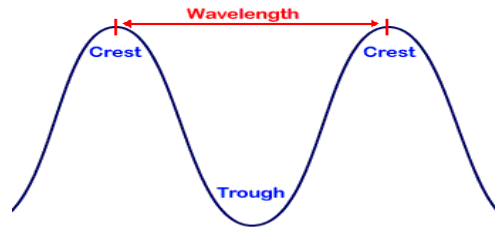


Figure 2.4 Wavelength.

## 2.5 Explain infrared light absorption as it relates to breath alcohol analysis.

- The Intoxilyzer 9000 uses infrared light to identify and quantify ethanol.
- Alcohol molecules absorb specific wavelengths of infrared light in a unique and consistent manner. This distinct absorbance is its light absorption “fingerprint”.
- The wavelengths of infrared light that are absorbed depend on the different structural groups present on the molecule.
- The amount of infrared light absorbed is directly proportional to the concentration of the alcohol present in the breath. This relationship between the amount of infrared light absorbed and the amount of alcohol in the breath is a constant and will occur in the same proportions every time.
- When infrared light passes through the sample chamber, some of the light may be absorbed and the remainder transmitted through the sample.
- The more alcohol molecules there are in the sample, the more light will be absorbed by these molecules, the less light will reach the detector, and the higher the alcohol result will be.



## INSTRUMENTATION

### 2.6 List the approved breath test instrumentation for evidentiary breath testing.

- The approved evidentiary breath test instruments that are currently in use in Florida are the following:
  - CMI, Inc. Intoxilyzer 8000
  - CMI, Inc. Intoxilyzer 9000

### 2.7 List and describe the major components of the Intoxilyzer 9000 that are used in obtaining and analyzing a breath or control sample.

- **Breath Tube-** delivers breath sample into the instrument. Thermostatically controlled at a nominal temperature of 45°C to prevent condensation of the breath sample
- **Sample Chamber-** where a sample is analyzed. Thermostatically controlled at a nominal temperature of 47°C to prevent condensation of the breath sample
- **Light Source-** produces light. Spiral filament. Emits only infrared light. Directly connected to one end of the sample chamber. Pulses light into sample chamber
- **Filters-** filter infrared light at specific wavelengths. Used to identify alcohol.
- **Detector-** detects the light not absorbed by the alcohol in the sample. Four pyroelectric detectors. Each detector is directly connected to a filter. Determines the amount of light not absorbed by the alcohol in the sample and converts this response into an electrical response.
- **Microprocessor-** calculates the amount of alcohol in a sample based on the electrical response received from the detector.

### 2.8 Identify and define the hardware of the Intoxilyzer 9000.

1. Magnetic card reader
2. Disposable mouthpieces
3. Heated breath tube
4. Keyboard
5. Barcode scanner
6. Interactive touch screen
7. Reference sample device
8. External printer



Figure 2.8 Intoxilyzer 9000 hardware.

## 2.9 Identify the major components of the Intoxilyzer 9000

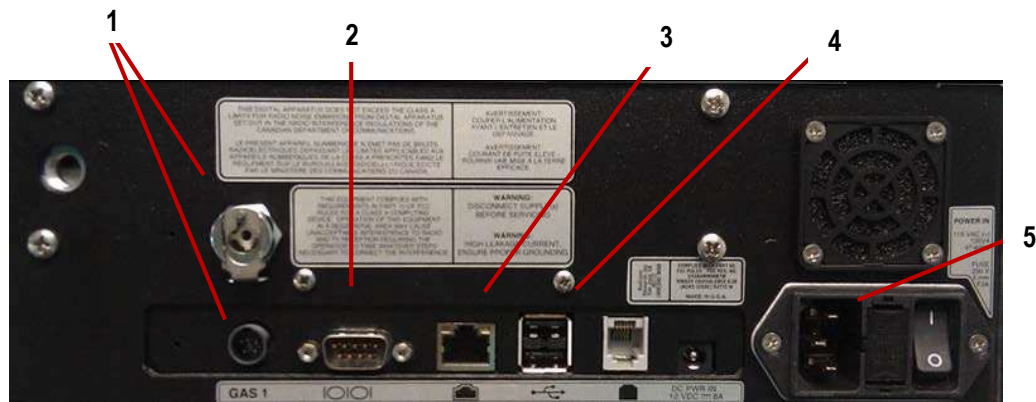


Figure 2.9a Rear image of Intoxilyzer 9000

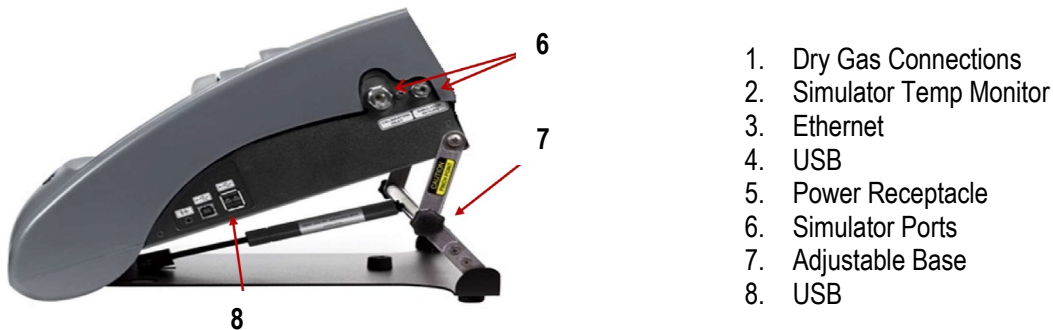


Figure 2.9b Side image of Intoxilyzer 9000

## 2.10 State the Intoxilyzer 9000 communicates by displaying messages and sounding distinct tones. Describe and understand these tones.

- When a message is displayed, the user is expected to perform the action being requested or take action based on the message displayed.
- The distinct tones are:
  - Beep – sounds after the completion of each operation.
  - Continuous Tone – sounds while a subject blows into the instrument with sufficient pressure.

- Low/High Tone – sounds in the event of an exception, incorrect operational procedure, or unfulfilled test requirement.

**2.11 Describe and understand the different ways to power, initialize warm up, and access READY MODE for the Intoxilyzer 9000.**

- The instrument operates via AC (wall outlet) and DC (a car or boat cigarette lighter) power.
- Push the power button on the back of the instrument if the instrument is plugged into a wall outlet. It will take approximately twenty minutes for the instrument to warm up. The instrument will display NOT READY. During the last few minutes of the warm-up phase, the instrument will begin a countdown of the time remaining for warm up to complete. The instrument will conduct diagnostic checks after warming up and before displaying READY.

**2.12 List the various Status Modes of the Intoxilyzer 9000.**

- **Ready-** the instrument is ready for use. Push the green Start button to begin a breath test.
- **Not Ready-** the instrument is not ready for use.
- **Warm Up-** the instrument’s breath tube and sample chamber are heating to operating temperatures. The instrument will be READY in approximately twenty minutes.
- **Busy-** the instrument is performing a function.
- **Standby-** the instrument has not been used for approximately thirty minutes.
  - To bring the instrument to READY, tap the touchscreen. After an approximate two-minute countdown, the instrument will perform diagnostic checks before returning to READY.
- **Disabled-** the instrument cannot be used to conduct breath tests.
  - This means either the Agency Inspector did not complete or upload the Agency Inspection OR a Department Inspection has not been completed.
  - The Dry Gas Standard may also be expired or unattached.

**2.13 State when a diagnostic check will occur on an Intoxilyzer 9000:**

- Before the instrument comes out of NOT READY.
- At the beginning and end of the breath test sequence.

**2.14 Explain DIAGNOSTIC OK and the actions the operator must take when a Diagnostic fails.**

- When DIAGNOSTIC OK is displayed, the instrument’s analytical components and operational standards are working properly. The instrument will enter READY MODE.
- If a diagnostic check fails, the instrument will display DIAGNOSTIC FAIL. The user should address the failure and begin another test or inspection. If the same failure occurs again, contact the Agency Inspector.

**2.15 Describe and understand how to access and use the Breath Test Operator menu of the Intoxilyzer 9000.**

- The instrument uses a detachable keyboard, 2D barcode scanner, and LED touchscreen for direct user interface.



*Figure 2.15 Onscreen image for keyboard and 2D barcode scanner selections.*

- If there is no activity within three minutes after the completion of a function, the instrument will return to the home screen.
- The three-level menu is used to allow features and functions to be changed or initiated. Unique PINs are required for all menu levels. To access the level 1 menu:
- Select OPTIONS. Enter Breath Test Operator permit number and PIN. This will access the Breath Test Operator menu. The Breath Test Operator menu consists of the following:
  - ✓ Date/Time Change
  - ✓ Reprint Subject Test

- To reprint a breath test, the operator can enter the subject name, operator last name, test date, or test time. The operator must then scroll through the list and retrieve the record they would like to print. An external printer must be attached. The Form 38a Breath Alcohol Test Affidavit – Intoxilyzer 9000 will automatically print to the external printer.
- ✓ Cylinder Change
  - After changing the Dry Gas Standard cylinder, the operator must enter the cylinder lot # and expiration date. (Changing the dry gas cylinder lot # during a breath test does NOT update the information stored by the instrument.)

## **INTOXILYZER 9000 MAINTENANCE**

### **2.16 State and describe the type of maintenance that a Breath Test Operator can perform.**

- Change the Dry Gas Standard cylinder.
- Update the Date/Time.

### **2.17 Describe when to replace the Dry Gas Standard cylinder.**

- The reasons for changing the Dry Gas Standard cylinder include: (1) the cylinder is below minimum pressure; or (2) the cylinder is beyond its expiration date.
- The instrument will alert the operator to a low pressure/volume Dry Gas Standard cylinder condition. This alert will occur when the Dry Gas Standard cylinder pressure volume reaches approximately 50 psi (pounds per square inch). This pressure volume is sufficient to allow five more complete breath tests to be conducted. The cylinder must be replaced as soon as possible. No tests can be conducted if the cylinder tank pressure is below 25 psi.
- The cylinder disconnects from the valve assembly by being turned counterclockwise and reconnects by being turned clockwise.
- When seating the cylinder, it must be manually tightened to prevent leaks.
- Once the cylinder is changed, the lot number and expiration date must immediately be updated by accessing the Breath Test Operator or Agency Inspector menu.



## Breath Test Operator Intoxilyzer 9000 Course Lesson Plan

### Lesson Two Breath Test Instrumentation

#### Review Answers

- 1. What is the approved method for breath alcohol analysis in Florida?**  
Infrared Light Absorption.
- 2. Explain infrared light absorption.**
  - Alcohol molecules absorb infrared light in a unique and consistent manner.
  - The wavelengths of infrared light that are absorbed depend on the different structural groups present on the molecule.
  - When an alcohol molecule is exposed to infrared light, it will absorb specific wavelengths of the infrared light.
  - The amount of infrared light absorbed is directly proportional to the concentration of the alcohol present in the breath.
  - The more alcohol molecules there are in the sample, the more light will be absorbed by these molecules, the less light will reach the detector and the higher the alcohol result will be.
- 3. What are the approved instruments currently being used for evidentiary purposes in Florida?**  
CMI, Inc. Intoxilyzer 8000 and Intoxilyzer 9000
- 4. What are the functions of the breath tube, sample chamber, light source, filters, detector, and microprocessor?**  
Breath Tube - delivers breath sample into the instrument.  
Sample Chamber - where a sample is analyzed.  
Light Source - produces light.  
Filters - filter infrared light at specific wavelengths. Used to identify alcohol.  
Detector - detects the light not absorbed by the alcohol in the sample.  
Microprocessor - calculates the amount of alcohol in a sample based on the electrical response received from the detector.
- 5. Name and describe the three tones used by the Intoxilyzer 9000.**  
Beep – a beep sounds after the completion of each operation.  
Continuous Tone – a continuous tone sounds while a subject blows into the instrument with sufficient pressure.  
Low/High Tone – a low/high tone sounds in the event of an exception, incorrect operational procedure, or unfulfilled test requirement.
- 6. Push the \_\_\_\_\_ green \_\_\_\_\_ start \_\_\_\_\_ (two words) button to begin a breath test on an Intoxilyzer 9000.**

## Breath Test Operator Intoxilyzer 9000 Course Lesson Plan

### Lesson Three Breath Samples

#### Introduction


During this lesson, the student will learn how to properly obtain a reliable breath sample.

#### Objectives

- 3.1 Describe how alcohol circulating in the body is eliminated by the lungs.**
- The transfer of alcohol and other volatile substances from the blood to the breath occurs in the alveoli of the lungs.
  - Alveoli are the thin-walled sacs that fill the lungs and allow for gas and volatile substances to pass from the blood into the lungs and from the lungs into the blood.
  - Alcohol readily passes from the blood into the alveoli by a process called diffusion (automatic movement of a substance from an area of high concentration (blood) to an area of low concentration (lungs)) because alcohol is a low weight molecule and is volatile.
- 3.2 State that deep lung air is the type of breath sample which will render the most accurate breath alcohol level representing the alcohol concentration circulating in the subject's body. Define deep lung air.**
- Deep lung air is the breath that is coming from the deepest part of the lungs (near the alveoli) that can be obtained without collapsing the lungs. It can be best obtained by having the subject normally inhale and provide a continuous, sustained breath sample for as long as they possibly can.
  - A breath sample obtained from the upper portions of the respiratory tract (mouth, trachea, bronchi) is diluted with room air and will not provide an accurate representation of the alcohol concentration circulating in the subject's body.
- 3.3 State how to obtain deep lung air from a subject providing a breath sample.**
- Instruct the subject to inhale normally and provide a continuous, sustained breath sample until they are told to stop.
  - The Breath Test Operator shall tell the subject to stop blowing when the subject appears to have expelled all the air out of his/her lungs during a single breath.

### PROVIDING A BREATH SAMPLE AS LONG AS POSSIBLE = DEEP LUNG AIR = BEST BREATH SAMPLE

#### TWENTY MINUTE OBSERVATION PERIOD

- 3.4 State a twenty-minute observation period is required to ensure any breath samples provided by the subject do not contain residual mouth alcohol.**
- An observation period of at least 20 minutes reasonably ensures that any alcohol present in a subject's mouth has dissipated.
  - Residual mouth alcohol is alcohol remaining in the mouth after a person has consumed an alcoholic beverage.
  - Alcohol in the oral cavity is rapidly eliminated and no longer present after twenty minutes.
- 
- 3.5 State who can perform the twenty-minute observation period.**
- The Breath Test Operator, Agency Inspector, arresting officer, or person designated by the permit holder shall reasonably ensure that the subject has not taken anything by mouth or has not regurgitated for at least twenty

minutes before administering the test. This provision shall not be construed to otherwise require an additional twenty-minute observation period before the administering of a subsequent sample.

- The twenty-minute observation period must be a continuous twenty minutes. (It does not need to necessarily be face-to-face contact. Check with your State Attorney’s Office to find out what the case law is in your area.)
- A permit holder can designate another person to perform the observation period. The Breath Test Operator should record the additional observer’s name on the Form 38a Breath Test Affidavit – Intoxilyzer 9000.

### 3.6 Define regurgitation.

- Regurgitation is bringing the contents of the stomach back into the mouth.
- Regurgitation can bring alcohol that may be present in the stomach up into the mouth and can possibly affect the administration of a breath test.
- Burping/belching are not signs of regurgitation and do not warrant an additional twenty-minute observation period if they occur.
  - Burping/belching usually do not affect a breath test due to the rapid removal of the small quantity of alcohol from the mouth. It may affect the breath test if it occurs immediately before or during the breath test.

### 3.7 Define foreign object.

- A foreign object is any item that is not a fixed part of the mouth.
- Examples of foreign objects include, but are not limited to: candy, coins, fingers, food, gum, hair, paper clips, razor blades, rubber bands, and tobacco.
- Exceptions to foreign objects would include, but not be limited to: braces, crowns, dental plates, dentures, fillings, orthodontic elastics, partials, retainers/aligners, and tongue piercings.

What If...?	Response
What if the subject regurgitates?	Have the subject rinse their mouth with water and begin another twenty-minute observation period. Document all times associated with the repeat observation.
What if the subject comes in with a foreign object in their mouth?	<p>If the foreign object is found <u>before</u> the twenty-minute observation period, have the subject remove the foreign object from their mouth. The Breath Test Operator may have the subject rinse their mouth with water. Begin the twenty-minute observation period after removal of the foreign object. Document all occurrences and times.</p> <p>If the foreign object is found <u>after</u> the twenty-minute observation period has begun, the Breath Test Operator must have the subject remove the foreign object from their mouth. The Breath Test Operator may have the subject rinse their mouth with water and the operator must then begin another twenty-minute observation period. Document all occurrences and times.</p>
What if the Breath Test Operator is presented with a subject that insists on using the restroom?	The Breath Test Operator or a person designated by the Breath Test Operator may take the subject to the restroom, continuing the observation to ensure the subject does not put anything in their mouth or regurgitate while using the restroom. Document the occurrence and/or person who was designated to perform this task.

### 3.8 Define and discuss a minimum acceptable breath sample for the Intoxilyzer 9000.

- A minimum acceptable breath sample is defined as a breath sample that has met the minimum criteria of the instrument’s analysis to ensure the **BREATH SAMPLE** is reliable.

<b>Intoxilyzer 9000</b>	
<b>Time</b>	The subject must provide a continuous breath sample of sufficient flow for at least one second.
<b>Volume</b>	The subject must provide a continuous breath sample of at least 1.1 liters of breath.
<b>Slope</b>	The subject must provide a breath sample in which the sample concentration consistently rises and then levels off.
<ul style="list-style-type: none"> <li>• State when PROVIDE SAMPLE NOW is displayed, the subject will have three minutes to provide a minimum acceptable breath sample.</li> <li>• Failure to provide a breath sample into the instrument or to provide a breath sample for less than one second will result in a “NO SAMPLE PROVIDED” message.</li> <li>• Failure to provide a breath sample of at least 1.1 liters into the instrument will result in a “VOLUME NOT MET” message.</li> <li>• Failure to satisfy Slope will result in a “SLOPE NOT MET” message</li> <li>• If PROVIDE SAMPLE NOW is again displayed, the subject is not providing a proper sample to be analyzed. The subject must continue to provide a breath sample until a proper sample is obtained.</li> </ul>	

**3.9 State the purpose for obtaining a minimum of two samples of breath within fifteen minutes of each other producing results within 0.020 g/210L.**

- The result of the second sample confirms the result of the first sample.
- It shows that the two breath samples are as similar as possible to each other.
- It shows that there are no interferences, mouth alcohol, or radio frequency interference affecting the results obtained from the breath samples.

**3.10 Define Interferent, Mouth Alcohol, and Radio Frequency Interference.**

- Interferent – a substance capable of appearing in sufficient non-lethal quantities in the human breath and being detected by the instrument at these non-lethal quantities.
  - Acetone is an example of an interferent. It could possibly appear on the breath of a person who is in diabetic shock or fasting (ketogenesis).
- Mouth Alcohol – residual alcohol that remains in the mouth. It could be present if a person consumes an alcoholic beverage just prior to taking a breath test.
- Radio Frequency Interference (RFI) – radio waves transmitted in proximity to a breath test instrument that can possibly affect the analysis of breath samples if they are in sufficient strength and wavelength. The Intoxilyzer 9000 contains an RFI detector to indicate that RFI is in sufficient strength to affect the instrumentation.

**3.11 Define and understand the breath alcohol curve.**

- The breath alcohol curve is a graph of the alcohol concentration of a breath sample that occurs over time.
- In order for a breath sample to be reliable, the concentration of the alcohol in the breath sample must rapidly rise and level off in the breath alcohol curve. This indicates that deep lung air was obtained.

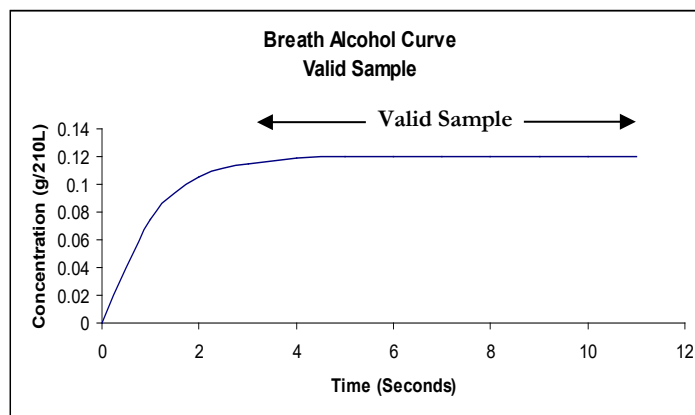


Figure 3.11 Breath alcohol curve of a valid breath sample.

**Breath Test Operator Intoxilyzer 9000 Course  
Lesson Plan**

**Lesson Three  
Breath Samples**

**Review Questions**

1. Describe how alcohol circulating in the body is eliminated by the lungs.
2. What is deep lung air and how is it obtained from a subject during a breath test?
3. What is the purpose of the twenty-minute observation period?
4. What are the minimum acceptable breath sample requirements for the Intoxilyzer 9000?
5. What is the breath alcohol curve? Draw and label the breath alcohol curve.

## Breath Test Operator Intoxilyzer 9000 Course Lesson Plan

### Lesson Three Breath Samples

#### Review Answers

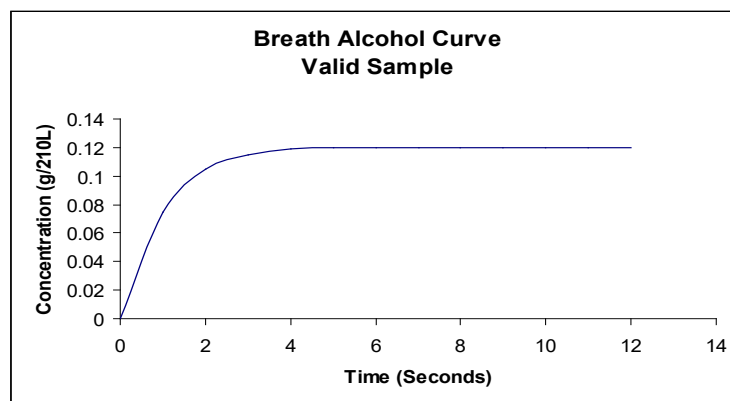
- Describe how alcohol circulating in the body is eliminated by the lungs.**
  - The transfer of alcohol and other volatile substances from the blood to the breath occurs in the alveoli of the lungs.
  - Alveoli are the thin-walled sacs that fill the lungs and allow for gas and volatile substances to pass from the blood into the lungs and from the lungs into the blood.
  - Alcohol readily passes from the blood into the alveoli by a process called diffusion (automatic movement of a substance from an area of high concentration (blood) to an area of low concentration (lungs)) because alcohol is a low weight molecule and is volatile.
- What is deep lung air and how is it obtained from a subject during a breath test?**

Deep lung air is the breath coming from the deepest part of the lungs (near the alveoli) that can be obtained without collapsing the lungs. It can be best obtained by having the subject inhale normally and provide a continuous, sustained breath sample for as long as they possibly can.
- What is the purpose of the twenty-minute observation period?**

To reasonably ensure that the subject has not taken anything by mouth or has not regurgitated for at least twenty minutes before administering the test and to ensure that there is no residual mouth alcohol.
- What are the minimum acceptable breath sample requirements for the Intoxilyzer 9000?**

Time - the subject must provide a continuous breath sample of sufficient flow for at least one second.  
Volume - the subject must provide a continuous breath sample of at least 1.1 liters of breath.  
Slope - the subject must provide a breath sample in which the concentration of the sample consistently rises and then levels off.
- What is the breath alcohol curve? Draw and label the breath alcohol curve.**

The breath alcohol curve is a graph of the alcohol concentration of a breath sample that occurs over time. In order for a breath sample to be reliable, the concentration of the alcohol in the breath sample must rapidly rise and level off in the breath alcohol curve.



## Breath Test Operator Intoxilyzer 9000 Course Lesson Plan

### Lesson Four Breath Tests

#### Introduction

During this lesson the student will learn the proper way to administer a breath test using the Intoxilyzer 9000 in accordance with Chapter 11D-8, F.A.C.

#### Resources

Chapter 11D-8, F.A.C.  
FDLE/ATP Form 37a Operational Procedures – Intoxilyzer 9000  
FDLE/ATP Form 38a Breath Alcohol Test Affidavit

#### Objectives

### APPROVED BREATH ALCOHOL TEST

#### 4.1 Define Approved Breath Alcohol Test.

- Approved Breath Alcohol Test – a minimum of two samples of breath collected within fifteen minutes of each other, analyzed using an approved breath test instrument, producing two results within 0.020 g/210L, and reported as the breath alcohol level on a single Form 38a affidavit. If the results of the first and second samples are more than 0.020 g/210L apart, a third sample shall be analyzed. Refusal or failure to provide the required number of valid breath samples constitutes a refusal to submit to the breath test. Notwithstanding the foregoing sentence, the result(s) obtained, if proved to be reliable, shall be acceptable as a valid breath alcohol level.
  - Two breath test samples collected within 15 minutes of each other producing two results within 0.020 g/210L ensures that the results are accurate and reliable. A Breath Test Operator who obtains two breath samples that are within 0.020 g/210L shows that mouth alcohol, interferences, and radio frequency interference are not a factor.
  - Why two samples of breath? The second breath sample result confirms the accuracy and reliability of the first breath sample result.

#### 4.2 State the Breath Test Operator must verify an Agency Inspection of the evidentiary breath test instrument has been conducted.

- An Agency Inspection is the periodic testing of the calibration and operation of a breath test instrument, including all required preventive maintenance, in accordance with Rule 11D-8.006, F.A.C., and performed by a person authorized by the Department. It must be conducted at least once each calendar month.
- An Agency Inspection ensures the instrument is working properly and providing accurate and reliable results.
- The date of the last Agency Inspection is automatically stored in the instrument. The instrument will go into DISABLED mode if an Agency Inspection has not been conducted within a calendar month. The instrument cannot be used to conduct breath tests when in DISABLED mode. Notify the Agency Inspector if the instrument displays DISABLED mode.

### ACCESS

#### 4.3 State that Rule 11D-8.007(1), F.A.C. requires evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by a permit holder.

- The purpose of this rule is to ensure that an evidentiary breath test instrument is not misused or damaged.

## THE BREATH TEST - INTOXILYZER 9000

### 4.4 State when using an Intoxilyzer 9000, the breath test shall be administered in accordance with FDLE/ATP Form 37a Operational Procedures – Intoxilyzer 9000.

Procedure	Explanation
All results are reported to three decimal places in g/210L.	
The instrument must display READY mode prior to beginning the breath test.	The instrument may be in STANDBY mode. Tap the display screen to initiate a two-minute countdown which will be followed by a Diagnostics check. Upon successful completion of the Diagnostics check, the instrument will enter READY mode.
Push the green START button to begin the breath test.	If the Dry Gas Standard cylinder has a pressure/volume below 25 psi, no breath tests can be conducted. Replace the cylinder, record the new lot # and expiration date in the instrument, then proceed with the breath test.
Enter Breath Test Operator permit number and PIN.	Verify Breath Test Operator first name, middle initial, last name, and agency at OPERATOR prompts.
DATE/TIME. Verify the displayed date and time. Change if necessary.	The Breath Test Operator must verify the correct time and date on the display. If the time and/or date are incorrect, the operator should change it in the Level 1 Menu.
DRIVER'S LICENSE INPUT. Select the input method for DL entry. Scan subject's driver license or identification card or select the keyboard to enter applicable information as prompted.	When the driver's license is scanned and accepted, verify data all in fields.
LAST AGENCY INSPECTION DATE. Verify the Agency Inspection date displayed.	The most recent Agency Inspection date is automatically saved in the instrument when the Agency Inspector completes the Agency Inspection.
CYLINDER LOT # & EXPIRATION DATE. Verify the Dry Gas Standard cylinder lot number and expiration date. Change if necessary.	Verify the Dry Gas Standard cylinder lot number is correct and the cylinder is unexpired. If the Dry Gas Standard cylinder lot number needs to be corrected, type in the correct lot number.
OBSERVATION PERIOD BEGAN. Enter the time the observation period began (at least 20 minutes).	Using a 24 hour clock. The operator or their designee shall perform an additional twenty-minute observation period if the subject takes anything by mouth or regurgitates during the twenty-minute observation period or during the breath test.
VIOLATION CODE. Enter the violation code.	VIOLATION CODE. Enter the violation code. The operator may scroll through the codes using the up and down arrows. The codes are as follows: DUI – Driving Under the Influence; BUI – Boating Under the Influence; ZERO TOL – 0.02 Enforcement; COMM VEH – Commercial Motor Vehicle; PROB/PAROL – Probation or Parole ordered test; COURT ORD – Court Ordered; ADMINI – Internal agency test; OTHER – Any type of test other than the ones listed above or a system check; SYS CHECK – Agency Inspector test or check of the breath test sequence and/or instrument operation. REVIEW DATA. Press “Review” to review all of the above information or press “Continue” to continue.  After data entry, the instrument will proceed with the

	breath test if the twenty-minute observation is OK or it will countdown the remaining time left to complete the observation.
AIR BLANK. The result must be 0.000.	<p>During the air blank, the instrument is circulating ambient air (room air) through the instrument to clear the sample chamber of alcohol and any other substances that might be present.</p> <ul style="list-style-type: none"> <li>• The instrument is analyzing the room air in the sample chamber by filtering the light and detecting the response when only room air is present in the sample chamber.</li> <li>• This electrical response indicates the result when only ambient, or room air, is present in the sample chamber.</li> </ul> <p>After the air blank and before requesting the breath sample, the instrument will establish a zero reference by determining the electrical response from filtered light when only ambient air is in the sample chamber.</p>
DIAGNOSTICS CHECK. The result must be OK.	The Diagnostic check is a functionality check of the internal components to ensure the instrument is working properly.
AIR BLANK. The result must be 0.000.	
CONTROL TEST. The result must be between 0.075 and 0.085 g/210L, inclusive.	<p>A control test is the analysis of Dry Gas Standard to verify the calibration of the instrument to show that it is providing accurate and reliable results at the time of the breath test.</p> <p>Dry Gas Standard – a standard consisting of a mixture of alcohol and gas which produces a known alcohol vapor concentration used to verify the calibration of a breath test instrument.</p>
AIR BLANK. The result must be 0.000.	
PROVIDE SAMPLE NOW. Have the subject provide a breath sample into the instrument.	<ul style="list-style-type: none"> <li>• When “Provide Sample Now” is displayed, the operator will have approximately three minutes to have the subject provide a minimum acceptable breath sample.</li> <li>• When a continuous tone sounds during the breath test, the subject is providing proper breath flow.</li> <li>• The operator shall tell the subject to stop blowing when the subject has provided a deep lung breath sample and has expelled all of the air out of their lungs during a single breath.</li> <li>• If “Provide Sample Now” is displayed while the subject is providing a sample, the subject is not providing a <u>proper</u> sample to be analyzed. The subject must continue to provide a breath sample until a result is obtained.</li> <li>• To record a refusal and to have the refusal information print on the affidavit, the Breath Test Operator must double tap the “Refused” button on the screen when the instrument displays “Provide Sample Now”.</li> </ul>

AIR BLANK. The result must be 0.000.	
PLEASE WAIT. The instrument will countdown the time remaining for the wait period.	
AIR BLANK. The result must be 0.000.	
PROVIDE SAMPLE NOW. Have the subject provide a breath sample into the instrument.	
AIR BLANK. The result must be 0.000.	
Note: If there is no 0.020 g/210L agreement between first and second breath samples, the instrument will automatically request a third breath sample as follows:	
PLEASE WAIT. The instrument will countdown the time remaining for the wait period.	
AIR BLANK. The result must be 0.000.	
PROVIDE SAMPLE NOW. Have the subject provide a breath sample into the instrument.	
AIR BLANK. The result must be 0.000.	
CONTROL TEST. The result must be between 0.075 and 0.085 g/210L, inclusive.	
AIR BLANK. The result must be 0.000.	
DIAGNOSTICS CHECK. The result must be OK.	
AIR BLANK. The result must be 0.000.	
Attach an external printer and select PRINT.  FDLE/ATP Form 38a Breath Alcohol Test Affidavit – Intoxilyzer 9000 will automatically print containing all results.	The Form 38a Breath Test Affidavit MUST be printed.
Complete FDLE/ATP Form 38a – Breath Alcohol Test Affidavit – Intoxilyzer 9000	The operator must affirm the information recorded on FDLE/ATP Form 38a in the presence of a notary public. The operator and notary must complete the information on the bottom of FDLE/ATP Form 38a. The operator must sign their name on the appropriate space provided in the presence of the notary public. The notary public must complete the county of the affirmation, the date, sign their name, print or provide their stamp, and document the identification (personally known or produced identification) used to notarize the affidavit.

**4.5 State when conducting a breath test using an Intoxilyzer 9000, an incorrect operational procedure or condition will cause the instrument to display and print a message associated with the incorrect operational procedure or condition. Define the messages and understand the actions a Breath Test Operator must take when each message is displayed and printed.**

Message	Description	Action
INTERFERENT DETECTED	An interfering substance was detected in the breath or control sample OR the calculated result obtained from the detection of light from each filter did not agree.  The instrument will display INTERFERENT DETECTED, abort the test, print INT* in the results	Restart the breath test. If INTERFERENT DETECTED is again obtained, the subject may need medical attention.

	section of the report, and print *INTERFERENT DETECTED at the bottom of the results section of the report.	
IMPROPER SAMPLE	<p>The sample was introduced at the wrong time.</p> <p>The instrument will display IMPROPER SAMPLE, abort the test, print IPS* in the results section of the report, and print *IMPROPER SAMPLE at the bottom of the results section of the report.</p>	Restart the breath test and ensure that the subject provides a breath sample only when the instrument displays PROVIDE SAMPLE NOW.
AMBIENT FAIL	<p>The instrument was unable to obtain an air sample sufficiently clear of alcohol.</p> <p>The instrument will display AMBIENT FAIL, abort the test, print AMB* in the results section of the report, and print *AMBIENT FAIL at the bottom of the results section of the report.</p>	The operator must clear the immediate area of possible contaminants and restart the breath test. If AMBIENT FAIL is again obtained, contact the Agency Inspector for further information.
PURGE FAIL	<p>During the air blank after a breath or control sample, the instrument was not able to sufficiently clear the sample chamber of a breath or control test sample.</p> <p>The instrument will display PURGE FAIL, abort the test, print PUR* in the results section of the report, and print *PURGE FAIL at the bottom of the results section of the report.</p>	The operator must clear the immediate area of possible contaminants and restart the breath test. If PURGE FAIL is again obtained, contact the Agency Inspector for further information.
SUBJECT TEST REFUSED	<p>The operator double tapped the "Refused" button when the instrument displayed PROVIDE SAMPLE NOW.</p> <p>The instrument will display SUBJECT TEST REFUSED, abort the test, print REF* in the results section of the report, and print *SUBJECT TEST REFUSED at the bottom of the results section of the report.</p>	A law enforcement officer or correctional officer must complete the applicable refusal affidavit.
NO SAMPLE PROVIDED	<p>The subject did not provide a breath sample into the instrument within the three-minute time period allowed for each breath sampling process OR the subject did not provide a breath sample for at least one second.</p> <p>The instrument will display NO SAMPLE PROVIDED, print NSP* in the results section of the report, and print *NO SAMPLE PROVIDED at the bottom of the results section of the report.</p>	<ul style="list-style-type: none"> <li>• If NO SAMPLE PROVIDED is obtained on the first breath sample, the instrument will request two more samples. If the subsequent samples are valid, the breath test is complete.</li> <li>• If NO SAMPLE PROVIDED is obtained on the second breath sample, the instrument will continue to request a third breath sample. If the first and third breath samples are valid, the breath test is complete.</li> <li>• If NO SAMPLE PROVIDED is obtained on the first and second breath samples, the instrument will discontinue the breath test.</li> <li>• If the subject is not going to provide samples, the breath test is complete.</li> </ul>
SLOPE NOT MET	<p>The sample provided did not meet the slope requirements of a minimum acceptable breath sample.</p> <p>The instrument will display SLOPE NOT MET, abort the test, print SNM* in the results section of the report, and print *SLOPE NOT MET at the bottom of the results section of the report.</p>	Perform another twenty-minute observation period and restart the test.

RFI DETECT	<p>The instrument detected radio frequency interference of a sufficient strength and frequency to interfere with the breath test or control test.</p> <p>The instrument will display RFI DETECT, abort the test, print RFI* in the results section of the report, and print *RFI DETECT at the bottom of the results section of the report.</p>	<p>Clear the room and immediate area of any radio frequency interference (such as radios or cell phones) and restart the affected procedure of the breath test.</p>
SEQUENCE ABORTED	<p>The operator double tapped the “Abort” button during an operational function.</p> <p>The instrument will display SEQUENCE ABORTED, abort the test, print ABT* in the results section of the report, and print *SEQUENCE ABORTED at the bottom of the results section of the report.</p>	<p>Restart the breath test (if this action was accidental).</p>
OUTSIDE CALIBRATION RANGE	<p>The value of the provided breath sample was outside the instrument calibration range (0.020 - 0.300 g/210L).</p> <p>The instrument will display OUTSIDE CALIBRATION RANGE, print the result (X.XXX*), and print *OUTSIDE CALIBRATION RANGE at the bottom of the results section of the report.</p>	<p>If OUTSIDE CALIBRATION RANGE is obtained and the result is above 0.300g/210L, the subject may need medical attention.</p>
CONTROL OUTSIDE TOLERANCE	<p>The Dry Gas Standard control test value(s) were out of range.</p> <p>On the breath test, the instrument will display CONTROL OUTSIDE TOLERANCE, abort the test, print an * by the control test result in the results section of the report, and print *CONTROL OUTSIDE TOLERANCE at the bottom of the results section of the report.</p>	<p>Ensure the Dry Gas Standard is connected to the instrument.</p> <p>Additional Recommendations: Remove the subject from the testing area and allow the area to “air out” before beginning another test. Keep the subject away from the breath tube when samples are not being obtained. If CONTROL OUTSIDE TOLERANCE is again obtained, the operator should contact their Agency Inspector for further instructions.</p>
DIAGNOSTIC FAIL	<p>One or more of the diagnostic tests failed.</p> <p>The instrument will display DIAGNOSTIC FAIL, abort the test, print FAIL* in the results section of the report and print *DIAGNOSTIC FAIL at the bottom of the results section of the report.</p>	<p>Restart the instrument or test. If DIAGNOSTIC FAIL for the same failure is again obtained, contact the Agency Inspector.</p>
VOLUME NOT MET	<p>The breath sample provided did not meet the minimum breath sample requirement of 1.1 liters.</p> <p>The instrument will display VOLUME NOT MET, print VNM* in the results section of the report, and print *VOLUME NOT MET at the bottom of the results section of the report.</p>	<ul style="list-style-type: none"> <li>• If VOLUME NOT MET is obtained on the first breath sample, the instrument will continue to request two more samples. If the subsequent samples are valid, the breath test is complete.</li> <li>• If VOLUME NOT MET is obtained on the second breath sample, the instrument will continue to request a third breath sample. If the first and third breath samples are valid, the breath test is complete.</li> <li>• If VOLUME NOT MET is obtained on the first and second breath samples, the instrument will discontinue the breath test.</li> </ul>

NO .020 AGREEMENT	There was not 0.020 g/210L agreement between any two of the three samples of breath obtained.  The instrument will display NO .020 AGREEMENT, print * by the breath sample results, and print *NO .020 AGREEMENT at the bottom of the results section of the report.	Restart the breath test.
TANK BELOW MIN	The gas pressure of the Dry Gas Standard cylinder is under 25 psi.  The instrument cannot be used until the Dry Gas Standard cylinder is changed.	The operator will need to change the Dry Gas Standard cylinder and record the new lot number and expiration date. A breath test can then be conducted.

**REFUSAL TO SUBMIT TO A BREATH TEST**

**4.6 State “Refusal or failure to provide the required number of valid breath samples constitutes a refusal to submit to the breath test.” (Chapter 11D-8, F.A.C.)**

- A refusal may be when the subject verbally refuses to submit to the breath test or when the subject is not providing valid breath sample(s) when requested to do so.
- A person placed under lawful arrest for driving or boating under the influence and who refuses the requested test must be read the appropriate Implied Consent Warnings to inform the person of the administrative consequences of such refusal.
- A law enforcement officer or correctional officer must complete the appropriate refusal affidavit (the DHSMV Refusal Affidavit for driving under the influence and the FWC refusal affidavit for boating under the influence).

What If...?	Potential Response
What if the subject initially refuses to submit to the breath test, but then recants the refusal (for example, changes their mind)?	The Breath Test Operator will administer the breath test and complete the required breath test forms.
What if the subject provides one breath sample but then refuses or declines to continue with the process of providing a second breath sample?	The subject must be read the Implied Consent Warnings. If the subject still refuses, the Breath Test Operator should finish completing the required breath test paperwork, and a law enforcement/correctional officer must complete the paperwork on the refusal (DHSMV Refusal Affidavit or FWC Refusal Affidavit).
What if a subject fails to give an adequate sample (VOLUME NOT MET) or the proper number of samples or two samples within 0.020 g/210L agreement? What action should the Breath Test Operator take?	If a subject fails to provide a valid breath test, Chapter 11D-8, F.A.C. deems such action as a refusal to submit to a breath test. The Breath Test Operator should fill out the appropriate forms related to the breath test, and a law enforcement/correctional officer must complete the refusal documents (DHSMV Refusal Affidavit or FWC Refusal Affidavit).

## Breath Test Operator Intoxilyzer 9000 Course

### Lesson Four Breath Tests

#### Review Questions

1. What is the definition of approved breath alcohol test?
2. What procedures must be followed when conducting a breath test on an Intoxilyzer 9000?
3. Who, by rule, can have access to an evidentiary breath test instrument?
4. What does VOLUME NOT MET mean on an Intoxilyzer 9000?
5. What does SLOPE NOT MET mean on an Intoxilyzer 9000?

## Breath Test Operator Intoxilyzer 9000 Course Lesson Plan

### Lesson Four Breath Tests

#### Review Answers

1. **What is the definition of approved breath alcohol test?**

Approved Breath Alcohol Test – a minimum of two samples of breath collected within fifteen minutes of each other, analyzed using an approved breath test instrument, producing two results within 0.020 g/210L, and reported as the breath alcohol level, on a single Form 38a affidavit. If the results of the first and second samples are more than 0.020 g/210L apart, a third sample shall be analyzed. Refusal or failure to provide the required number of valid breath samples constitutes a refusal to submit to the breath test. Notwithstanding the foregoing sentence, the result(s) obtained, if proved to be reliable, shall be acceptable as a valid breath alcohol level.

2. **What procedures must be followed when conducting a breath test on an Intoxilyzer 9000?**

FDLE/ATP Form 37a Operational Procedures – Intoxilyzer 9000

3. **Who, by rule, can have access to an evidentiary breath test instrument?**

Evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by a permit holder.

4. **What does VOLUME NOT MET mean on an Intoxilyzer 9000?**

The breath sample provided did not meet the minimum breath sample requirement of 1.1 liters.

The instrument will display VOLUME NOT MET, print VNM\* in the results section of the report, and print \*VOLUME NOT MET at the bottom of the results section of the report.

5. **What does SLOPE NOT MET mean on an Intoxilyzer 9000?**

The breath sample provided did not meet the slope requirements of a minimum acceptable breath sample.

The instrument will display SLOPE NOT MET, abort the test, print SNM\* in the results section of the report, and print \*SLOPE NOT MET at the bottom of the results section of the report.

**Breath Test Operator Intoxilyzer 9000 Course  
Lesson Plan**

**Lesson Five  
Laboratory Practical**

**Requirements for Laboratory Practical**

- For purposes of the Laboratory Practical, a breath test means obtaining a minimum of two breath samples per test.

**INTOXILYZER 9000**

- The following is the Laboratory Practical for the Intoxilyzer 9000:
  - The following number of breath tests will be performed by the student using an Intoxilyzer 9000 in accordance with FDLE/ATP Form 37a Operational Procedures – Intoxilyzer 9000:
    - Three tests on drinking and/or non-drinking subjects
  - Using the Intoxilyzer 9000, the student must complete a minimum of three complete breath tests and associated paperwork. This paperwork may be completed in conjunction with the three tests on drinking and/or non-drinking subjects listed above. The breath test paper work consists of the following:
    - FDLE/ATP Form 38a Breath Alcohol Test Affidavit – Intoxilyzer 9000

## Breath Test Operator Intoxilyzer 9000 Course Lesson Plan

### Lesson Six Courtroom Testimony

#### Introduction

During this lesson, the student will learn how to testify regarding the breath test that was conducted. The student will answer commonly asked courtroom questions and review all information learned in this course.

#### Objectives

##### 6.1 When testifying, the operator should be prepared and ready to answer questions regarding the breath test.

###### Before going to court:

- Review course material in conducting breath tests (for example, instrument theory, instrument operation and the rules of conducting a breath test).
- Review the affidavit to re-familiarize yourself with the occurrences of the breath test.

###### Testifying in court:

- Dress professionally – uniform or business attire.
- Speak loudly and clearly.
- Emphasize your training, education, and experience.
- Speak in simple language when possible. Breath testing contains complex scientific language, but try to keep it simple and use analogies when possible.
- Do not be afraid to say “I don’t know” when you do not know the answer.
- Do not argue with either the prosecutor or the defense counsel.
- Listen carefully to the question and answer only the question asked.
- Take your time when answering a question. If necessary, think about your answer before giving it.
- If possible, use visual aids or demonstrations when testifying.

##### 6.2 The operator should be familiar with answering questions asked in court regarding the breath test.

- The class will be broken down into small groups. Using an affidavit from the practical conducted earlier, students will take turns asking and answering the following questions below:

###### Getting “qualified” as a Breath Test Operator:

- Please state your name.
- Where are you employed?
- How long have you been employed with that agency?
- What are your duties and responsibilities?
- Do you have any education or experience in conducting breath tests?
- Did you learn how to conduct breath tests in accordance with Chapter 11D-8, F.A.C.?
- Do you hold a permit to conduct breath tests?
- When did you obtain it?
- How many breath tests have you administered?
- What are your duties as a Breath Test Operator?

###### The Breath Test:

- Did you conduct a breath test on this defendant?
- What instrument did you use to conduct the breath test?
- Does this instrument use infrared light absorption?

- What is infrared light absorption?
- Did you conduct a twenty-minute observation prior to conducting the breath test?
- When did it begin and end?
- Did you reasonably ensure that the defendant did not take anything by mouth or regurgitate during the twenty-minute observation period?
- What time was the breath test conducted?
- What procedures did you follow when conducting the breath test?
- Are these the procedures required by Chapter 11D-8, F.A.C. when conducting a breath test?
- Did you follow all the required procedures when conducting this breath test?
- Did the defendant provide at least two valid breath samples?
- Were they deep lung air samples?
- How do you know they were deep lung air samples?
- Do the results agree within 0.020 g/210L as required by Chapter 11D-8, F.A.C.?

**Admission of the affidavit:**

- Do you recognize this document?
- How do you recognize it?
- What is this document?
- Did you complete the document at or near the time of the breath test?

**(Affidavit must be admitted into evidence)**

- What were the results of the breath test?

**6.3 The student must be able to answer questions regarding a test with messages that occurred during the breath test - INTERFERENT DETECTED, SLOPE NOT MET, VOLUME NOT MET, and NO SAMPLE PROVIDED.**

- The students will be brought back into one group again. The following scenarios will be discussed as a class:

<b>Scenario One: A breath test with INTERFERENT DETECTED as a result.</b>	
<b>QUESTION</b>	<b>SAMPLE ANSWER</b>
<p>You obtain a result of INTERFERENT DETECTED on the first breath sample. The instrument aborted the test. You then restarted the breath test and obtained two valid breath samples.</p> <p><b>QUESTION:</b> Why did you obtain INTERFERENT DETECTED on the first sample?</p> <p><b>QUESTION:</b> Are the two breath samples you subsequently obtained reliable?</p>	<p>ANSWER: An interfering substance was detected in the breath or control sample OR the calculated result obtained from the detection of light from each filter did not agree.</p> <p>ANSWER: The two subsequent breath samples are reliable because the instrument did not detect an interfering substance in the breath or control sample OR the instrument did not calculate results from the detection of light from each filter that were different from each other. There was no interferent detected in either subsequent breath sample. The subsequent breath samples agree within 0.020 g/210L of each other, which further shows there was no interferent or problems with the subsequent samples obtained independently of each other.</p>

<b>Scenario Two: A breath test with SLOPE NOT MET as a result.</b>	
<b>QUESTION</b>	<b>SAMPLE ANSWER</b>
<p>You obtain a result of SLOPE NOT MET on the first breath sample. The instrument aborted the test. You then conducted another twenty-minute observation period, restarted the breath test, and obtained two valid breath samples.</p>	<p>ANSWER: The sample provided did not meet the slope requirements of a minimum acceptable breath sample.</p> <p>ANSWER: The two subsequent breath samples are reliable because all minimum acceptable breath sample requirements</p>

<p><b>QUESTION:</b> Why did you obtain SLOPE NOT MET on the first sample?</p> <p><b>QUESTION:</b> Are the two breath samples you subsequently obtained reliable?</p>	<p>(including slope) were met, and there was no negative slope associated with either subsequent breath sample. The two subsequent breath samples agree within 0.020 g/210L of each other, which further shows there was no problem with the slope of the subsequent samples obtained independently of each other.</p>
--	--

Scenario Three: A breath test with OUTSIDE CALIBRATION RANGE.	
QUESTION	SAMPLE ANSWER
<p>You obtain a result of OUTSIDE CALIBRATION RANGE on the first and second breath sample. The results on the Affidavit were:</p> <p>Sample #1 – 0.314*</p> <p>Sample #2 – 0.322**</p> <p>*Outside Calibration Range</p> <p>**Outside Calibration Range</p> <p><b>QUESTION:</b> Why did you obtain OUTSIDE CALIBRATION RANGE on these samples?</p>	<p>ANSWER: The provided samples are outside the instrument's calibration (Department Inspection) range 0.02 - 0.30 g/210L.</p>

Scenario Four: A breath test with VOLUME NOT MET as a result.	
QUESTION	SAMPLE ANSWER
<p>You obtain a result of VOLUME NOT MET on the first breath sample. The instrument requested the second and third samples. The second and third samples were valid breath samples. The results on the Affidavit were:</p> <p>Sample #1 – VNM*</p> <p>Sample #2 – 0.112</p> <p>Sample #3 – 0.115</p> <p>*Volume Not Met</p> <p><b>QUESTION:</b> Why did you obtain VOLUME NOT MET on the first sample?</p> <p><b>QUESTION:</b> Are the two breath samples you subsequently obtained reliable?</p>	<p>ANSWER: The breath sample provided did not meet the minimum breath sample requirement of 1.1 liters.</p> <p>ANSWER: The two subsequent breath samples are reliable because all minimum acceptable breath sample requirements (including volume) were met. The two subsequent breath samples agree within 0.020 g/210L of each other, which further shows there was no problem with the slope of the subsequent samples obtained independently of each other.</p>

Scenario Five: A breath test with NO SAMPLE PROVIDED as a result.	
QUESTION	SAMPLE ANSWER
<p>You obtain a result of NO SAMPLE PROVIDED on the first breath sample. The instrument requested the second and third samples. The second and third samples were valid breath samples. The results on the Affidavit were:</p> <p>Sample #1 – NSP*</p> <p>Sample #2 – 0.112</p> <p>Sample #3 – 0.115</p> <p>*No Sample Provided</p> <p><b>QUESTION:</b> Why did you obtain NO SAMPLE PROVIDED on the first sample?</p> <p><b>QUESTION:</b> Are the two breath samples you subsequently obtained reliable?</p>	<p>ANSWER: The subject did not provide a breath sample into the instrument within the three-minute time period allowed for each breath sampling process OR the subject did not provide a breath sample for at least one second. It takes the instrument at least one second to calculate a result; therefore, a result cannot be obtained if the subject provides a sample for less than one second.</p> <p>ANSWER: The two subsequent breath samples are reliable because the subject provided samples into the instrument and all minimum acceptable breath sample requirements including time were met. The two subsequent breath samples agree within 0.020 g/210L of each other which further shows that there was no problem with the slope of the subsequent samples obtained independently of each other.</p>

## **Breath Test Operator Intoxilyzer 9000 Course Lesson Plan**

### **Lesson Seven Proficiency and Written Examination**

#### **Requirements for Proficiency**

- As outlined in Chapter 11D-8, Florida Administrative Code, each student must successfully demonstrate proficiency in administering a breath test and completing the forms associated with the breath test.
- These requirements include:
  - Properly performing a breath test using the Intoxilyzer 9000 in accordance with FDLE/ATP Form 37a Operational Procedures - Intoxilyzer 9000
  - Properly completing FDLE/ATP Form 38a Breath Alcohol Test Affidavit – Intoxilyzer 9000 obtained during the proficiency breath test.
- The proficiency test must meet the requirements of an approved breath alcohol test as defined in Rule 11D-8.002, F.A.C. It may not be a refusal.

#### **Written Examination**

- Each student must take a written examination.
- Successful completion of the written examination requires a passing grade of 80% or better.