

Alco-Sensor FST[®]

Canadian Version



Operator's Manual

Parts of this Manual have been adapted from the following: *Intoximeters, Inc. - Supervisor's Manual (with permission)*

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2.0 INTRODUCTION

Impaired driving is the leading cause of criminal death in Canada. With over 1000 deaths, (twice as many as all homicides combined) and well over 60,000 injuries it is the single most prevalent and costly crime in our society. However, this is a preventable tragedy and the key to success is ensuring our response to impaired driving is swift, certain and significant.

The nature of alcohol impairment presents serious challenges. The first is that individuals have a wide range of tolerance and detecting a person whose ability to operate a motor vehicle is impaired is easier said than done. In a study conducted in Florida, senior and motivated officers missed 2/3 of all impaired drivers at a Checkstop. Since police have a brief observation period and limited interaction with the subject, discovering impaired drivers is very challenging,

This is why the Approved Screening Device ("ASD") was created. The ASD gives police a scientific and reliable method for quickly determining, with certainty, whether a person is impaired.

In order to use an ASD lawfully an officer must comply with either section 320.27(1)(b) or (2) of the Criminal Code of Canada. An ASD demand may be made when the officer:

For Mandatory Alcohol Screening 320.27(2):

Has in his or her possession an approved screening device and is in the lawful execution of his or her duty.

and

The person is operating a motor vehicle.

For 320.27(1)(b):

Reasonable grounds to suspect that the person has alcohol in their body

and

The person has, within the preceding three hours, operated a conveyance (to drive a motor vehicle or have care or control of it)

Reasonable grounds to suspect alcohol in the body can be formed when an officer smells alcohol coming from the suspect's breath, when the suspect admits to recent alcohol consumption, or any other combination of factors that reasonably support the suspicion. Mandatory Alcohol Screening requires no suspicion of alcohol.

HOWEVER: an ASD must never be used if the officer already believes the suspect's ability to drive is impaired by alcohol.

An ASD demand must be made without any delay. Generally a MAS demand should be made as soon as stopping a vehicle. For 320.27(1)(b) demands they should be made as soon as an officer forms the reasonable suspicion of alcohol being present in the suspect's body. The officer should read the ASD demand exactly as written.

3.0 PHYSIOLOGY OF BREATH TESTING

This brief chapter is included to explain how breath samples are used to determine the blood alcohol concentration.

When a person consumes an alcoholic beverage, it passes from the mouth and esophagus to the stomach and small intestine where it is absorbed into the blood stream. The absorption of alcohol is quite rapid, generally taking 20 to 30 minutes after consumption to reach the maximum reading. The absorption time may be affected by the type and amount of food in the stomach and the type of beverage consumed. Once in the blood stream, the alcohol is distributed to all parts of the body including the lungs, brain and liver. It is the depressant action of alcohol in the brain that causes impairment and intoxication.

Elimination of the alcohol begins immediately after it has entered the blood. Most of the alcohol (approximately 95%) is eliminated by metabolism in the liver. The remainder (5%) is excreted unchanged through breath and other body fluids. Unlike absorption, the elimination process is slow. The elimination rate ranges between 10 - 20 mg% per hour for most of the population.

The basis for all breath test instruments is that alcohol is eliminated unchanged in the breath. There is a fixed and known relationship between the amount of alcohol in the breath and the amount of alcohol in the blood. This relationship (essentially the principle of breath testing) is:

2100 parts of deep lung air contain the same amount of alcohol as one part of blood.

Using this ratio, it is possible to collect a measured volume of breath, analyze it for alcohol and convert the result to a blood alcohol content. This principle is used in all breath test instruments and screening devices operated in North America, including the Alco-Sensor FST®. It should be noted that this ratio is lower than the actual ratio (2300:1) and so the results obtained through breath testing tend to underestimate the actual blood alcohol concentration.

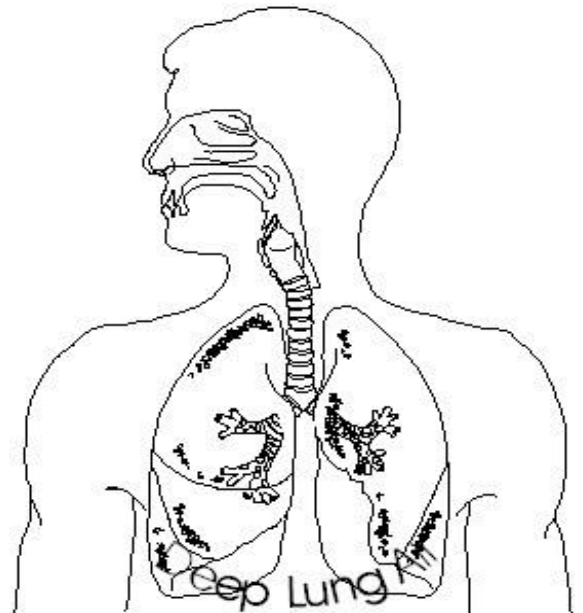


Figure 1 Only deep lung air can reflect the true alcohol concentration.

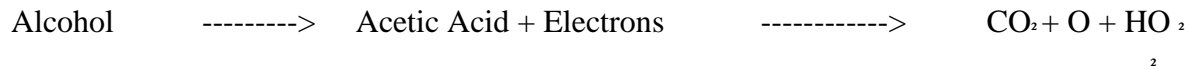
4.0 OPERATING PRINCIPLES

Theory and Design of the Alco-Sensor FST®

The Alco-Sensor FST® contains a fuel cell sensor and an electrically operated sampling system.

A pressure sensor in the device monitors breath flow and volume to determine when to capture a breath for analysis.

While a subject is blowing and when deep lung breath is reached, the sampling system is activated. A small, fixed volume of deep lung breath is drawn onto the surface of the fuel cell, any alcohol is subsequently converted to acetic acid, electrons are released and a current is generated in proportion to the amount of alcohol oxidized.



The resulting electric current is translated into a blood alcohol concentration and the result is displayed on the Alco-Sensor FST® in blood alcohol concentration units of mg%.

The following diagrams illustrate the structural design of the Alco-Sensor FST® .



Figure 2 - Labelled Parts of the Alco-Sensor FST®



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Figure 3 - Operator and Subject Views of the Alco-Sensor FST®



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Figure 4 - Top View of the Alco-Sensor FST®

5.0 COMPONENTS & FUNCTIONS

- Mouthpiece** The mouthpiece is a critical portion of the sample assembly and specifically designed to be used with the Alco-Sensor FST®. The cross section is a “D” shape which helps orient the mouthpiece when placing it on the device. Inserting the closed end of the mouthpiece into the mouthpiece channel, with the flat side of the mouthpiece downward, and pressing down will place the mouthpiece into position. The two holes on the underside of the mouthpiece will naturally align and attach to the appropriate ports of the Alco-Sensor FST®.
- Display** The display turns on when the device is powered ON. If you wish to back light the display, this can be done by pressing and holding the ON button down for an additional second. Various commands and symbols appear on the display to direct the operator through the testing procedure and alert the operator of improper testing conditions detected by the system.
- ON Button** The ON button (labelled with an “I” symbol within a diamond shape) is the larger of the two buttons on the Alco-Sensor FST® case. This button is located opposite the display and will naturally rest under the operator’s forefinger when holding the device. The primary function of the button is to turn the device ON, and this is accomplished by pressing the button down for one second. A beep and the display powering on will indicate that power up has been successful. (Note: If you want to illuminate the display, hold the ON button down for an extra second on power up or press the ON button at any point when the temperature is being displayed and the display will illuminate.)
- OFF Button** The OFF button (labelled with an “O” symbol within a rectangular shape) is located on the Alco-Sensor FST® case beneath the display. Depressing it and holding it down for two seconds, during normal operation, will manually turn the device off. Note: The device does have an auto power down feature, which powers the device down when it has not been used for a period of time.
- Batteries** The battery cover is located on the base of the Alco-Sensor FST®. Two AA batteries should run well in excess of 1000 tests at room temperature.
CAUTION: Batteries should only be replaced by an Alco-Sensor FST® calibrator.

6.0 CONDUCTING A SUBJECT TEST

Although the Alco-Sensor FST® is extremely simple to operate, it is important that the following procedure is complied with each time a breath test is conducted. The operational sequence is outlined on the tag attached to the device.

6.1 Alco-Sensor FST® Instructions

1. Check Calibration Tag
2. Preliminary Subject Questioning
3. Attach Mouthpiece
4. Power On - Battery, Temp, Blank
5. Instruct Subject to Blow
6. Take Breath Sample
7. Note Result
8. Remove & Discard Mouthpiece
9. Power Off

1. Check Calibration Tag

In order to make a demand for the screening device, the investigator should have knowledge of the calibration status of the device. As a result, Alco-Sensor FST® operators should check the calibration tag on the device before any intended use. If the current date is beyond the Calibration Expiry Date, you must not use the screening device. Annual Maintenance Inspection information is also found on the tag and this inspection is the responsibility of authorized service personnel only. Each operator must confirm the next annual inspection date of the Alco-Sensor FST® prior to use. An ASD must not be used after the service expiry date (next annual inspection date) that is indicated on the tag.

Sample Tag:

Alco-Sensor FST® Serial #*****
Service Expiry Date: <u>YYYY/MM/DD</u> (annual inspection information)
Calibration Date: <u>YYYY/MM/DD</u> Calibration Expiry Date: <u>YYYY/MM/DD</u> Calibrator's Name & Reg#: _____ (calibration sticker)
DO NOT USE AFTER EITHER EXPIRY DATE

2. Preliminary Subject Questioning

A test is taken immediately unless the officer believes that the subject has recently consumed alcohol or tobacco.

A test on a subject shall not be conducted until 15 minutes after the time the officer believes alcohol has last been consumed. This is to ensure the elimination of any possible “mouth alcohol” effects.

A test on a subject shall not be conducted until 5 minutes after the subject last smoked. Under no circumstances should raw cigarette smoke be blown directly into the Alco-Sensor FST®, as it may shorten the life of the fuel cell sensor.

Any other substance in the mouth should be removed and testing can take place immediately. Nothing other than alcohol will affect the accuracy of the device, while tobacco smoke will damage the sensor.

3. Attach Mouthpiece

Use a clean, unused Alco-Sensor FST® mouthpiece from a sealed bag. This mouthpiece is specifically designed to be used with the Alco-Sensor FST®.

The mouthpiece has both an open and a closed end. The open end should be made available for the subject to blow into. The sealed, rounded end should be inserted into the mouthpiece channel on the top of the Alco-Sensor FST®. In addition to the breath inlet hole, there are three additional holes in the mouthpiece. One larger hole, on top of the mouthpiece toward the sealed end of the mouthpiece, is the exit port for the subject’s breath flow. There are also two smaller holes on the bottom, or flat portion of the mouthpiece. The mouthpiece is “D” shaped and when properly inserted, the flat side should be making contact with the device, such that the two smaller holes will be seated on both the fuel cell inlet port and the flow sensor port.

It is important the mouthpiece is attached to the device in such a way that your fingers do not touch the actual blowing end, otherwise the subject may refuse to take it into his or her mouth, on the grounds of alleged lack of hygiene. The mouthpiece can be removed from the package by opening the plastic wrapper. Insert the closed end of the mouthpiece into the mouthpiece channel with the flat side of the mouthpiece downward and the end vent hole facing up. The two holes on the underside of the mouthpiece will naturally align and the mouthpiece should be pressed down to attach to the appropriate ports on the Alco-Sensor FST®.

Having attached the mouthpiece, finally remove the wrapper from the blowing end, and dispose of it properly. You may wish to retain this wrapper to remove the mouthpiece once the subject test is complete, and then dispose of the two items together.

4. Power On - Battery, Temp, Blank

Depress the Power On button (labelled with an “I” symbol within the diamond shape) on the subject view side of the Alco-Sensor FST® and hold down to illuminate the display screen and the mouthpiece channel (for night time lighting). A single beep will be heard when the information on the screen is displayed.

The battery strength indicator and temperature in °C (for example, 22c) will be displayed momentarily after the Alco-Sensor FST® is powered On. The battery strength indicator has 3 bars to indicate the battery strength. If the Alco-Sensor FST® does not have sufficient battery power to perform a test, either the display will not power on or “BAT” will be displayed and testing will be disabled. The Alco-Sensor FST® is designed to operate when the device temperature (not the ambient temperature) is between 0°C and 40°C. If the temperature is outside of the proper operating range, the device will indicate a temperature out of range message before powering off. The Alco-Sensor FST® will have to be placed into an environment that will bring it into proper operating temperature before a test can be conducted. The device automatically performs a blank test to ensure that the mouthpiece and device are free of alcohol. BLN will appear on the display and this analysis should display a result of zero. If this test does not result in a zero reading, then the screen will display E11. Remove and replace the mouthpiece. Make certain that you are using a new, clean mouthpiece. Wait a few moments before initiating another test. If repeated attempts at a blank test do not result in a zero reading, contact your service provider.

The following messages may be displayed during the battery and temperature check:

BAT	Battery power low. Batteries are only to be replaced by an Alco-Sensor FST® calibrator.
E09/LO	Temperature too cold for test to be performed (less than 0°C)
E10/HI	Temperature too hot for test to be performed (greater than 40°C)
E11	Blank test not successful.

5. Instruct Subject to Blow

When ready for a sample of breath, the display shows the icon of a person’s head flashing and “BLO” is displayed. A double beep will be heard when this appears on the display. Instruct the subject to take a deep breath and then blow steadily through the mouthpiece until you tell them to stop.

6. Take Breath Sample

The icon of the head will stop flashing and a dash appears to the right of the head indicating that the device senses sufficient breath flow. Additional dashes will appear as the subject continues to provide a sample. Once three dashes appear an automatic sample will be taken. This indicates that the minimum sampling requirements of breath flow and volume have been met. A continuous tone will be heard as the subject is blowing. It is not necessary for the subject to blow hard but rather a steady or continuous sample is best for successful sample collection.

If the subject stops blowing before the minimum sampling requirements are met, then no sample will be taken for analysis. This will be indicated by beep warnings and alternating messages on the display. In such a case, depending on the circumstances, the subject may be offered another attempt to provide an adequate sample. When “BLO” comes back on the display, you may proceed by telling the subject to blow again.

The following messages may be displayed with inadequate samples of breath:

FLO LO (E06 after 3 attempts)	Subject did not provide adequate breath flow to meet the requirements for automatic sampling. (Breath Flow Low)
FLO CUT (E06 after 3 attempts)	Subject provided enough breath flow but their breath flow stopped too abruptly . (Breath Flow Cut)
FLO INS (E06 after 3 attempts)	Subject breath flow was not consistent to meet the requirements for automatic sampling. (Breath Flow Insufficient)
FLO HI (E06 after 3 attempts)	Subject's breath flow exceeded the maximum allowable flow rate . (Breath Flow High)

In each of these examples, the subject is allowed three attempts to provide an adequate sample before the test is aborted with an E06 message on the display and the Alco-Sensor FST® turns itself off. Instruct the subject to provide a continuous sample with a moderate rate of breath flow. If the subject is to be given the option to attempt another breath sample (after the 3 failed attempts), it is suggested that the mouthpiece be replaced with a new one. You will have to initiate a new testing sequence by turning the Alco-Sensor FST® on.

Refusals: If the subject has not provided an acceptable sample, then the officer should make a visual inspection of the mouthpiece used by the subject. Since the mouthpiece is constructed of translucent plastic, any obstructions should be apparent. The officer should then use a new mouthpiece and provide a sample into the device to demonstrate that the device is capable of accepting a sample. Once a new mouthpiece is in place the subject should be given a final opportunity to properly provide a sample. Once the subject has unequivocally refused or failed to comply, the officer should make note that the mouthpieces used were free of obstruction and the device was working properly.

7. Note Result

As soon as a successful breath sample has been captured, a single beep is heard and a single display segment “-“ will scroll horizontally across the centre of the display. At the end of the analysis, a result will be displayed. Observe and note the result of the analysis as displayed on the Alco-Sensor FST®. The Alco-Sensor FST®, as approved for use in Canada is calibrated in mg%, but the unit of measure is not displayed. The display will show the results as follows:

1. A digital result will be displayed between 0 and 59 mg% (no leading zeros).
2. CAU (Caution) will be displayed between 60 and 99 mg%.
3. FAIL will be displayed at 100 mg% and higher.

The result will be displayed for approximately fifteen seconds before the device will power itself off.

The action to be taken depending on the result displayed is as follows:

0-59 mg% = Release [Suspension/Disqualification for GDL (Graduated Driver Licensing)]

CAU = WARN = immediate roadside sanction

FAIL = Arrest, charter, caution, waiver (if applicable) and provide evidential breath demand

8. Remove & Discard Mouthpiece

After taking the subject's alcohol reading you should remove and discard the mouthpiece. For your own hygiene, you may wish to replace the wrapper over the blowing end before touching the used mouthpiece with your fingers.

Discard the used mouthpiece properly.

The same mouthpiece may be used for the same subject. If the subject has attempted to provide a sample unsuccessfully on three occasions and produced an E06 message on the display, it is suggested that you attach a new mouthpiece if you decide to continue testing this subject.

9. Power Off

Depress and release the Off button (labelled with an “O” symbol within a rectangular shape) on the operator view of the Alco-Sensor FST®. This is located below the display screen. The device will auto power down after 15 seconds after the result has been displayed. If a result is not obtained, the device will switch itself off automatically after 3 minutes.

6.2 Test Recall (RCL)

After the test result has been calculated the Alco-Sensor FST® will display the result for approximately 15 seconds, after which the Alco-Sensor FST® will power off. If the operator wants to review the result again, while the device is OFF, momentarily press the OFF button and the ON button at the same time. The display will show **RCL** (recall last test). By pressing the OFF button this will prompt the device to alternately display the result from the last test performed along with the intermittent display rcL . This will appear on the display for approximately 15 seconds before the Alco-Sensor FST® will power off.

6.3 Calibration Requirement

The calibration of the Alco-Sensor FST® shall be checked by a qualified Alco-Sensor FST® calibrator with an alcohol standard at least every 31 days, according to the Canadian Society of Forensic Science Alcohol Test Committee Recommended Operational Procedures.

6.4 Radio Frequency Interference (RFI) Detection

The Alco-Sensor FST® has been designed to be immune to RFI. This immunity has been tested and the Alco-Sensor FST® has been found to meet international electro-magnetic compatibility requirements by internationally accredited test houses in the USA and Europe. In addition, a RFI detection function is also built into the Alco-Sensor FST®. If RFI is detected then no numerical result will be produced.

6.5 Error Messages

The Alco-Sensor FST® has a number of other error messages that may be displayed. If any error message is received other than E06 (improper breath sample), E09/E10 (temperature errors), E11 (blank test not successful) or E12 (RFI detection), then Authorized Service Personnel should be contacted.

7.0 THE LAW & USE OF THE ALCO-SENSOR FST®

Please note: Police can stop any vehicle to check on the license, registration, insurance, mechanical condition or sobriety of the driver. Police validly conducting a traffic stop do not need any additional grounds in order to stop a motor vehicle. Once stopped you will often have reason to conduct an inquiry into the sobriety of the driver. The ASD is a key tool in this inquiry.

The use of approved screening devices in Canada is governed by the Criminal Code of Canada. The operator should be familiar with those sections of the Code that deal with approved screening devices (s.320.27) and impaired driving in general (s.320.14-15). There is also operational policy in place to ensure a uniform approach to impaired driving enforcement throughout the province. Impaired Driving Policy in Alberta is coordinated through Alberta Justice's Traffic Safety Coordinator. This section discusses the law related to the use of Approved Screening Devices ("ASDs"). Although this manual deals with the Alco-Sensor FST®, the law and policy are the same for all ASDs.

The sections dealing with the use of ASDs are listed below:

Section 320.14(1)(a) - Operating a conveyance while your ability to do so is impaired by alcohol or a drug or combination of both.

Section 320.14(1)(b) - Two hours after ceasing to operate a conveyance has a blood alcohol concentration equal to or in excess of 80 mg% (equal to or exceeding 80 milligrams of alcohol in 100 millilitres of blood).

Section 320.14(1)(d) – Two hours after ceasing to operate a conveyance has a blood alcohol concentration and a blood drug concentration that is equal to or exceeds the blood alcohol concentration and the blood drug concentration prescribed by regulation.

"approved screening device" means a device that is designed to ascertain the presence of alcohol in a person's blood and that is approved by the Attorney General of Canada under paragraph 320.39(a).

The key here is that before any screening device can be used, it must be approved for use and appear on the Approved Screening Devices Order. The Alco-Sensor FST® is included on this order and is therefore

approved for use. For court purposes, the operator must know exactly which device and model was used and should always state that it was an “Approved Screening Device”.

The sections dealing with ASD demands are listed below:

Section 320.27(1)(b) – to immediately provide samples of breath into ASD , if police officer has reasonable suspicion that the suspect has alcohol in their body.

This section gives the peace officer the authority to demand a breath sample for analysis by an ASD on reasonable grounds to suspect that a person has alcohol in their body and that the person has, within the preceding three hours, operated a motor vehicle or had the care or control of a motor vehicle.

This section also grants the police the power to detain and ask the suspect to accompany him for the purposes of administering the test. This does authorize you to remove the accused from the vehicle or move a short distance if the testing or safety demands it. But since ASD tests must be performed immediately this does not normally authorize you removing the suspect from the location where you formed the reasonable suspicion.

Timing is critical and the officer must make the demand immediately and administer the test without any avoidable delay. Failure to expedite the tests or explain delays will often lead to a charter breach.

Section 320.27(2) - officer has in their possession an ASD and is in the lawful execution of their duty can demand a breath sample into an ASD from the person operating a motor vehicle without any suspicion of alcohol consumption.

This section gives officer’s the authority to demand a breath sample for analysis by an ASD without any reasonable grounds to suspect that a person has alcohol in their body. The peace officer must have an ASD in their possession, they must be in the lawful execution of their duty and the person must be operating a motor vehicle. This is known as Mandatory Alcohol Screening.

This must be conducted in the least intrusive manner and with expediency. In most cases, the driver should not be removed from their vehicle in order for MAS to be conducted. If the driver must be removed from their vehicle in order to conduct MAS, there must be good reason and justification for doing so. Merely stating the reason for removal is due to officer safety without an articulated reasonable belief to fear for officer safety may lead to a charter breach.

MAS must be used as widely as possible. If the officer has an ASD in their possession, MAS should be used whenever operationally practical.

Timing is critical and the officer must make the demand and administer the test without any avoidable delay. Failure to expedite the tests or explain delays will often lead to a charter breach.

Section 320.28(1)(a)(i) - the demand section for a breath sample into an approved instrument (e.g. Intoxilyzer 5000C or Intox EC/IR II).

Before this demand is made, there must be reasonable grounds to believe a person has committed an offence under Section 320.14(1)(a), 320.14(1)(b) or 320.14(1)(d) within the last three hours. It is here that

the peace officer may use the results from the ASD test taken under Section 320.27(1)(b) or 320.27(2). Remember that reasonable grounds to believe a person's ability to operate a motor vehicle is impaired by alcohol can be formed without resorting to an ASD.

Where an ASD is used and the result is a "FAIL" this means the BAC of the subject exceeds 100 mg%. You have been trained that everyone's ability to operate a motor vehicle is impaired at 100 mg% therefore you now have reasonable grounds to believe that the person has committed an offence under Section 320.14(1)(a), 320.14(1)(b) or possibly 320.14(1)(d). When there is no ASD test, a peace officer must independently have obtained reasonable grounds to believe an offence under Section 320.14(1)(a) was committed. Reasonable and Probable Grounds to believe a person's ability to operate a motor vehicle is impaired by alcohol, drugs or a combination of each can be formed by a wide range of observed indicia. Some examples include: observations of poor driving, impaired judgement, lack of coordination, volatility or inappropriate behaviours, odour of alcohol or presence of alcohol or drugs in the vehicle or on the person, admissions of consumption and awareness of impairment, statements from reliable observers, and many, many others. Each case is unique and an officer should review all the evidence of impairment to come to a strong opinion that can easily be defended in court. If the officer has reasonable and probable grounds to believe the accused is already impaired then the officer should immediately arrest and make the evidential demand.

Section 320.15(1) - the offence of refusing a demand. This applies to the failure or refusal to comply with a demand for an ASD test, MAS test, ADSE test, approved instrument test, SFST, DRE test, urine sample or blood sample. Each refusal case is unique but always ensure you have properly and fully explained the demand, given a proper opportunity to comply and received an unequivocal refusal (by statement or conduct) before charging. While the accused should be given every opportunity to blow on an evidential instrument (i.e. the Intox EC/IR II), once the accused has clearly and unequivocally refused an ASD demand, then the offence is complete and the accused should be charged.

Things to Remember

1. For MAS – you do not need to form suspicion that the suspect has alcohol in their body. As long as you have an ASD in your possession, you are in the lawful execution of your duty and the person is operating a motor vehicle, you can conduct MAS.
2. For 320.27(1)(b) - you must believe the suspect has alcohol IN their body. Ensure that any odor of alcoholic beverage is coming from their breath and not merely their clothing or surroundings. Make sure any statement of recent consumption is clear.
3. Confirm you are using an approved screening device and note the make and model (i.e. Alco-Sensor FST®). Always say this in court.
4. Always follow the instructions on the ASD or attached to it (depending on model).
5. Always check the calibration sticker affixed to the ASD and ensure it has not expired. ASDs cannot be used after the expiry date.
6. Properly explain the use of the device to the suspect.

7. If the accused provides a “FAIL” response on the ASD, always explain to the court that you have been instructed that this means the accused's blood alcohol concentration is in excess of 100 mg% and that the accused's ability to operate a motor vehicle is therefore impaired. This is the basis of your Reasonable and Probable grounds for an arrest. [Note: 100 mg% equals 100 milligrams of alcohol in 100 millilitres of blood]
8. Always review and explain any delays in forming your suspicion, reading the demand or conducting the test. You may always delay for 15 minutes if you are concerned about recent consumption of alcohol or 5 minutes if you are concerned about recent smoking. **REMEMBER:** An ASD demand and test must be made immediately. This means, effectively, as soon as is possible in your circumstances. Even small unexplained or unreasonable delays can invalidate the demand. Be prepared. Note any and all delays.
9. There is no right to counsel at the roadside or prior to an ASD test. Not even if the subject has a cell phone. Not under any circumstances.
10. If the accused refuses and you have explained the demand, how to perform the test and given the subject a reasonable opportunity to comply, then the offence of refusal is complete. The accused cannot change his/her mind with respect to an ASD demand after you have left the scene or at some later point (i.e after speaking to a lawyer). If an accused changes their mind concerning a refusal on an approved instrument, the change is swift, and the ability to perform the test remains, police may allow a final opportunity to blow.
11. On serious matters, an officer first on the scene cannot wait for a senior officer to take over the investigation. If a reasonable suspicion of alcohol in the body of the suspect has been formed, or ought to have been formed, then the ASD demand must be made immediately. Waiting for other officers is not a valid excuse.