Preliminary Breath Testing

706.1 PURPOSE AND SCOPE
The purpose and scope of this policy is to establish uniform procedures relating to the proper operation and maintenance of preliminary breath testing devices used by officers of the Utah Department of Public Safety.

706.1.1 POLICY
(a) Preliminary breath testing devices owned by the Utah Department of Public, Highway Patrol must be operated and maintained in accordance with this operating policy.
(b) Privately owned preliminary breath testing devices may be used by officers of the Utah Department of Public Safety, and must be operated and maintained in accordance with this operating policy.
(c) Per NHTSA standards, preliminary breath tests should be administered at the conclusion of the standardized battery of tests.
(d) Preliminary breath tests in suspected DUI cases should only be used when there is evidence of impairment based on the totality of the circumstances. A PBT should not be the primary factor upon which the arrest decision is made.
(e) In cases where there is not evidence of impairment but a suspected violation of a crime where only a positive or negative reading is required as an element of the crime (including, but not limited to, alcohol restricted driver or unlawful consumption by a minor), a PBT may be administered.
(f) In cases where there is not evidence of impairment, nor a suspected violation of a crime where only a positive or negative reading is required as an element, a preliminary breath test should not be administered unless the reasons for administration are clearly documented in the officer’s report.

706.1.2 PROCEDURE
(a) Officers who are issued a preliminary breath testing device will be trained in its operation by a Breath Alcohol Technician in the Utah Highway Patrol Training Division.
(b) Officers will operate their preliminary breath testing devices according to manufacturer specifications, and will utilize mouthpieces recommended by the manufacturer.
(c) In the event of any operational problems with the preliminary breath testing device including a significant discrepancy between the results of a preliminary breath test and an evidentiary test, the preliminary breath testing device will be removed from service. Such device will remain out of service until checked and approved for service by a Breath Alcohol Technician.
(d) When an officer requests a person to submit to a preliminary breath test, the officer should advise such person that the preliminary breath test is an additional field sobriety test, and that it is not intended to replace any tests that may be requested under the implied consent law.