



## POLICY AND PROCEDURE STATEMENT

### BRT 3.2.0 Instrument Distribution and Review

Purpose: To establish a data driven procedure for the regular review of instrument distribution in order to ensure the efficient and convenient placement of instruments for use by law enforcement officers of the State of Oklahoma. This Policy and Procedure Statement does not address appropriate conditions for the use or storage of approved instruments.

Effective Date: August 1, 2020

Superseded Policy: BRT 3.1.0 Instrument Distribution Review

References: 47 O.S. §759, 40 O.A.C. 1-1-3

Related Forms: None

Approved By: Joshua Smith

#### DISTRIBUTION

1. Specific instruments will not be assigned to agencies/locations on a permanent basis.
2. When an instrument is retrieved by BOT staff, a new instrument will be permanently assigned to the location and delivered at the time of retrieval. The Technician will note the new instrument assignment in the BOT asset management system.
3. When an instrument is delivered to BOT by an end user, a new instrument will be permanently assigned to the location and checked out for delivery and set up by the host agency. The Technician will note the new instrument assignment in the BOT asset management system.
4. This Policy and Procedure Statement will not apply to instruments owned by individual agencies which have opted out of the BOT maintenance and repair program.
  - a. The Technician will conspicuously mark agency owned instruments for the agencies which have opted out of this program.
  - b. The Technician will maintain records of the agency owned instruments in the asset management system in order to return the specific instrument to the agency in the event of disapproval/expungement of the currently approved instrument.
5. Agencies that have opted out of this program will continue to pay the cylinder replacement fee.
6. Agencies that have opted out of this program will continue to be responsible for maintenance and repairs performed by the Manufacturer. Written permission from the agency to perform factory maintenance and repairs is required before work will be authorized by BOT.
7. BOT Instrument location/site requirements are listed below:
  - a. Clean area that is not used for storage of, or commonly subject to vapors, of volatile materials with access to a power source meeting a nominal power requirement of 60W.
  - b. A secured area that limits access to authorized persons.
  - c. A point of contact or designated liaison for the host site.

- d. The preceding requirements are prospective in nature and are intended to prevent damage to instrumentation and delays in testing. If an instrument prints an affidavit after a testing sequence has been administered, it indicates the requirements were met at the time the test was administered.

#### REVIEW

1. Beginning in January 2017, the distribution of approved instruments shall be reviewed by BOT to advance the purposes of this Policy and Procedure Statement.
2. The Instrument Distribution Review shall be repeated every three years after the initial review in January 2017.
3. Nothing in this Policy and Procedure Statement should be deemed to limit the authority of the Director to decide the distribution of instruments with or without an instrument distribution review.
4. Nothing in this Policy and Procedure Statement should be deemed to limit the authority of the Director to relocate an instrument at any time without notice.
5. The information that may be considered for the purposes of the Instrument Distribution Review includes, but is not limited to:
  - a. The number of alcohol related fatality crashes in the affected jurisdiction in the three year period immediately preceding the Instrument Distribution Review. Reports from the Oklahoma Highway Safety Office setting forth these statistics shall be used to establish the number of alcohol related fatality crashes.
  - b. Relative distance between instruments in the region or county in question.
  - c. Relative distance to the county jail.
  - d. Relative ease of access for law enforcement agencies other than the host agency.
  - e. Apparent ability of the host agency to comply with the then applicable location requirements for the instrument in question, and provide appropriate connectivity.
6. This review policy does not apply to instruments not owned by the Board of Tests for Alcohol and Drug Influence.

**END OF POLICY AND PROCEDURE STATEMENT**