

Department of General Services
Records Management Division
RECORDS RETENTION and DISPOSAL SCHEDULE

Schedule No.
971-41-1

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Agency
Maryland State Police

Division/Unit
Chemical Test for Alcohol Unit (CTAU)

Item No.	Description	Retention
	This establishes schedule 971-41; all items were previously under schedule 971-21-1-A3	
41-01	<u>BLOOD ALCOHOL CASE FILES</u> Contains a copy of Maryland State Police (MSP) form MSP 34 (Alcohol Analysis - Medical Personnel Payment Authorization), a copy of form MSP 33 (Result of Test for Alcohol Concentration) and other miscellaneous reports pertinent to the case.	Files retained in Chemical Test for Alcohol Unit for 5 years, then destroy. Record copy maintained by arresting agency in accordance with specific case file retention schedule.
41-02	<u>BLOOD ALCOHOL RESULTS AND GRAPHS</u> Contains the actual blood alcohol results on each subject test. It also contains the standards test which insures the instrument is working properly.	Retained for 5 years, then destroy.
41-03	<u>ACTIVE BREATH TEST OPERATORS FILES</u> Contains retraining classes test scores and final grades for basic schools, and correspondence for removal from inactive files to active files. These records are maintained to show the operators were certified during the times indicated on certification cards.	Continuous Record. Maintain as a perpetual file by updating when amended or revised and destroying obsolete material.
41-04	<u>INACTIVE BREATH TEST OPERATORS FILES</u> Contains final grade or basic school, test scores for retraining classes and correspondence for removal from active files to inactive files. These records are maintained to show former operators were valid during dates indicated. Also indicates; the date the operator was taken out of the program. Used for reinstatement of operators.	Continuous Record. Maintain as a perpetual file by updating when amended or revised and destroying obsolete material.
41-05	<u>BREATH TEST OPERATOR IDENTIFICATION FILE ACTIVE AND INACTIVE</u> Contains 5x7 cards with information as to courses attended by the various Breath Test operators.	Continuous Record. Maintain as a perpetual file by updating when amended or revised and destroying obsolete material.
41-06	<u>REQUESTS FOR BREATH TEST OPERATOR TRAINING</u> Requests from police departments to participate in the State's Alcohol Testing Program.	Screen annually and destroy filled applications. For unfilled applications, retain 3 years and then destroy.
41-07	<u>REQUEST FOR ADDITIONAL BREATH TEST OPERATORS</u> Requests from various police agencies that participate in the State's Alcohol Testing Program, requesting additional breath test operators.	Screen annually and destroy filled applications. For unfilled applications, retain 3 years and then destroy.

Approved by Department, Agency, Division or Unit Representative

Date: March 5, 2013

Signature: Thomas L. Vondersmith, Jr.

Type Name: Thomas L. Vondersmith, Jr.

Title: Department Records Retention & Disposal Schedule Manager

Schedule Authorized by State Archivist

Date: 4/9/2013

Signature:

Edward C. [Signature]

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Item No.	Description	Retention
41-08	<u>REQUESTS FOR PRELIMINARY BREATH TEST INSTRUCTOR TRAINING</u> Requests from police departments in Maryland referring to the training of their members as Preliminary Breath Test (PBT) instructors.	Screen annually and destroy granted requests. Open requests, retain three years, then destroy.
41-09	<u>COMMUNICATIONS FROM/TO STATE TOXICOLOGIST</u> Letters to and from the State's Toxicologist on matters relating to the State's Alcohol Testing Program.	Screen annually; destroy obsolete material.
41-10	<u>CERTIFIED HOSPITALS BLOOD ALCOHOL PROGRAM</u> Contains a list of certified hospitals that draw blood samples in Driving While Intoxicated (DWI) cases, and other related correspondence.	Hospitals remain on listing until Chemical Test for Alcohol Unit is notified of withdraw from the program. Materials retained three years after receiving withdraw notice, then destroy.
41-11	<u>ALCOHOL INFLUENCE SUMMARY</u> Contains MSP Form 34A's (Alcohol Influence and Preliminary Breath Test Use Summary of Driving While Intoxicated Cases Statewide) submitted by various police agencies.	Retain record copy 3 years, then destroy.
41-12	<u>ALCOHOL INFLUENCE YEARLY DISPOSITION OF DRIVING WHILE INTOXICATED (DWI) CASES</u> Contains completed form MSP 38s sent from the various police departments used to complete the statewide totals.	Retain record copy 3 years, then destroy.
41-13	<u>BREATH TESTING INSTRUMENT REPORTS</u> Contains on-record copies of forms MSP 37 and 37A. They can be used as duplicate if original copies are misplaced or destroyed.	Retain 3 years, then destroy.
41-14	<u>REPAIRS TO GAS CHROMATOGRAPH</u> Contains repair records performed on the gas chromatography used to analyze Driving While Intoxicated-Blood Alcohol cases. <u>BREATH TESTING INSTRUMENTS SENT TO FACTORY FOR REPAIRS</u>	Retain 3 years, then destroy.
41-15	<u>BREATH TESTING INSTRUMENTS SENT TO FACTORY FOR REPAIRS</u> Contains information regarding repairs made under warranty to breath testing instruments. This information could possibly be summoned for court testimony.	Retain 3 years, then destroy.
41-16	<u>BASIC BREATH TEST SCHOOL NOTIFICATION - MARYLAND STATE POLICE</u> Contains letters sent to the MSP installations advising of training course dates and number of positions in the course.	Retain one year, then destroy.
41-17	<u>BASIC BREATH TEST SCHOOL NOTIFICATION - LOCAL DEPARTMENTS</u> Contains letters sent to the various police agencies in the State's Alcohol Testing Program relating to training course dates and number of positions in the courts.	Retain for one year, then destroy.

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41-18	<u>COMPLETION OF BASIC SCHOOL</u> Notifications to commanders of personnel under their command who successfully completed the Basic Breath Test School. Copy sent to State Toxicologist.	Retain 3 years, then destroy.
41-19	<u>BASIC SCHOOL ROSTERS</u> Contains class attendance rosters, and related matters.	Retain 5 years, then destroy.
41-20	<u>BREATH TEST OPERATORS RETRAINING: NOTIFICATION OF RETRAINING</u> Contains letters and a list indicating when a Breath Test Operator is scheduled to attend retraining class, sent to the various police departments in the State's Alcohol Testing Program.	Retain for current year, then destroy.
41-21	<u>BREATH TEST OPERATORS RETRAINING: ROSTERS</u> Contains class retraining attendance rosters.	Retain 3 years, then destroy.
41-22	<u>PRELIMINARY BREATH TEST (PET) INSTRUCTORS TRAINING: NOTIFICATION</u> Contains letters announcing Preliminary Breath Test (PET) Instructor training dates.	Retain 3 years, then destroy.
41-23	<u>PRELIMINARY BREATH TEST (PBT) INSTRUCTORS STUDENT ROSTER</u> Contains copies of Preliminary Breath Test (PBT) students' roster of those persons completing training.	Retain 10 years, then destroy.
41-24	<u>PRELIMINARY BREATH TEST (PBT) STUDENT FINAL TEST</u> Contains final test answer sheets from Preliminary Breath Test (PBT) classes conducted by Chemical Test for Alcohol Unit staff.	Retain 10 years, then destroy.
41-25	<u>PRELIMINARY BREATH TEST (PBT) DEVICES USED IN MARYLAND</u> Maintain list by serial number of all Preliminary Breath Tests (PBT) Units used in conjunction with traffic law enforcement.	Retain as long as the devices on the list are used. For devices no longer used generate a new list and destroy old list.
41-26	<u>PRELIMINARY BREATH TEST (PBT) INSTRUCTORS TRAINING: COMPLETION</u> Letters informing commanders of personnel who have been qualified to instruct and authorized to qualify personnel in the use of the Preliminary Breath Test (PBT).	Retain 10 years, then destroy.
41-27	<u>BLOOD ALCOHOL LABORATORY REQUIREMENTS AND PERSONNEL</u> Contains a copy of the Blood Alcohol Analysis procedures, copy of the law pertaining to blood alcohol testing, copy of the Regulations of the Toxicologist regarding test of Breath and Blood for Alcohol.	Screen annually; destroy obsolete requirements.
41-28	<u>BLOOD ALCOHOL LABORATORY PROFICIENCY TESTS</u> Communication and results from the State's Toxicologist pertaining to the blood alcohol proficiency tests performed by MSP Crime Lab chemists involved in blood alcohol analysis.	Retain for 5 years, then destroy.

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Item No.	Description	Retention
41-29	<u>CERTIFICATION OF LAB AND PERSONNEL</u> Communications from the State Toxicologist certifying the MSP Crime Lab and certain chemists to perform chemical test of blood for the purpose of determining alcohol concentration.	Retain for 5 years, then destroy
41-30	<u>COURT DISPOSITIONS</u> Court dispositions on blood alcohol cases that lab personnel are summonsed on (form MSP 21-7). Forms physically kept the Chemistry Section Log as of April 21, 1988.	Retain for 3 years, then destroy
41-31	<u>CORRESPONDENCE TO ATTORNEY GENERAL</u> Communications to the Attorney General in reference to chemical testing on suspected Driving While Intoxicated (DWI) suspects..	Screen annually, destroy obsolete materials.
41-32	<u>CHEMICAL TESTING LIBRARY,</u> Scientific articles and communications pertaining to Chemical Testing for Alcohol.	Screen annually, destroy obsolete materials.
41-33	<u>COURT CASES REFERENCE TO CHEMICAL TESTING</u> Articles and court case copies, pertaining to decisions in reference to chemical testing and Driving While Intoxicated' apprehension.	Screen annually, destroy obsolete materials.
41-34	<u>REGULATIONS OF TOXICOLOGIST (ORIGINALS)</u> Copies of the Regulations of the Toxicologists - updated as needed.	Screen annually, destroy superseded materials.
41-35	<u>COMMUNICATIONS FROM TOXICOLOGIST TO FIELD AGENCIES</u> Copies of alcohol reference solution certificates for use in simulators utilized for evidential breath testing. Communications from the State Toxicologist stating approval and certification of the solution for use in the State of Maryland.	Screen annually, destroy obsolete materials.
41-36	<u>SIMULATOR STOCK SOLUTION CERTIFICATES</u> Copies of alcohol reference solution certificates for use in simulators utilized for evidential breath testing. Communications from the State Toxicologist stating approval and certification of the solution for use in the State of Maryland.	Retain 5 years, then destroy.
41-38	<u>CERTIFIED BREATH TEST OPERATORS,</u> List of certified breath test.	Retain 5 years, then destroy.
41-39	<u>TOXICOLOGIST MEMORANDUM SERIES</u> Memorandums from the State Toxicologist clarifying questions and disseminating new information related to alcohol testing in DUI cases.	Retain for 25 years, then transfer to Maryland State Archives.