

No D.C. alcohol breath tests until March

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The District likely won't have an alcohol breath-test program until next spring, city officials said. Just last month, D.C. Attorney General Irvin Nathan and police Chief Cathy Lanier said the program that was officially shut down in February after a year of problems would be running again sometime this summer. But it seems they didn't discuss that timeline with the medical examiner's office, which has taken the lead on developing the protocols officials say will prevent the program from breaking down again.

During a D.C. Council hearing on Wednesday, though, all three agencies said they don't expect to have the breath-test equipment back on the street until March.

"Basically, we wasted a year getting to this point," said at-large Councilman Phil Mendelson, who heads the committee that oversees the three agencies. "There's every indication that we've lost our deterrent for drunk drivers."

Deputy Attorney General Robert Hildum testified at the hearing that he realizes the new timeline "might be disappointing," but the agencies are taking their time to be "responsible."

Defense attorney David Benowitz found that hard to believe.

"I don't think they're competent enough to know when it will actually be back online," he told The Washington Examiner.

Problems with the city's breath-test equipment were discovered in February 2010 when a contractor hired to maintain the breath-analysis machines found they had been miscalibrated. The District pulled those machines and replaced them with new ones. But the medical examiner refused to sign off on the evidence they produced, and the department officially shut down the program in January. Police and prosecutors have since turned to urine analysis to test drivers believed to be impaired. On Wednesday, assistant medical examiner Lucas Zarwell testified that urine analysis is less reliable in determining a driver's impairment than both breath and blood tests. The urine tests have, however, yielded information breath tests can't: 12 percent of drivers arrested for DUI in D.C. also test positive for the drug PCP.

Police union chief Kris Baumann said the unreliable evidence yielded by urine analysis is typical of an attorney general's office that is not "serious."

"They're doing busywork to make it appear that we have a functional DUI program, when we don't," Baumann said.

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