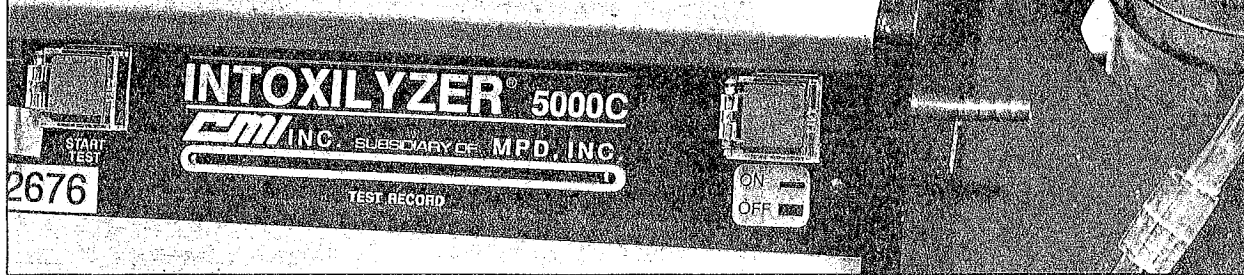


# Stone-age tech

'It can definitely give erroneously high readings ...'



Machines are infallible and humans wearing uniforms never make mistakes.

Ludicrous, of course. A ridiculous statement, which even the most simple-minded optimist would discount as being far too rosy an expectation.

Perfection is a myth and public policy based on the expectation of absolute perfection is an outrage — yet Alberta is relying on exactly that as it allegedly gets tough on impaired driving.

The latest flawed law, which ironically starts on the birthday of our democratic country, puts the infallibility of police and their equipment above any notion of due process.

Starting July 1, any Alberta motorists caught blowing over .08 will not only lose their car for at least three days, they'll automatically lose their licence until the case comes to court.

With a waiting list of six to nine months before a impaired case is heard by a judge, a drunk-driv-

ing charge could cost an accused Albertan their reputation and job, without any chance at a defence.

It's potentially life-ruining legislation, based on a guilty-until-proven-innocent desecration of Canada's normal legal process, by which anyone accused of a criminal act is allowed a trial before punishment.

Alberta's politicians don't seem to care, apparently based on the notion that anyone blowing over is clearly guilty — and that in turn is based on the theory that neither police or machines make mistakes.

Unfortunately for anyone who values judge and jury, they do.

The Intoxilyzer 5000c is the main breath-testing machine currently being used by the Calgary Police Service to confirm a roadside fail. It's the one you blow into after a hand-held device says you're drunk.

"I don't think it's fair at all, especially when they are using a machine as unreliable

as the Intoxilyzer 5000 and there's no chance to challenge the reading in court."

The man condemning the 5000-series Intoxilyzer is Minnesota defence lawyer Chuck Ramsay, that state's 2011 Attorney of the Year and an expert on drunk driving law. Ramsay has not only battled multiple cases featuring Calgary's key testing tool, he's even certified as an Intoxilyzer 5000 operator.

From the same computer chip that powered the Commodore 64 to a long history of false-reading complaints, Ramsay is very familiar with the machine that has resulted in dropped charges across the U.S.

In Ramsay's opinion, it's a machine asked to do too much with pocket-calculator technology.

"It's antiquated technology," he said. "It can definitely give erroneously high readings, and it's not specific to ethanol alcohol, which means another substance can trigger a false positive."

There's human error, too:

In 2010, Washington, D.C., police were forced to overturn hundreds of convictions due to a mistake in calibration performed by officers.

There are similar reports of error across the U.S.: In Philadelphia, for example, 1,500 cases of drunk driving were abandoned after half of the city's breath-testing machines were found to be inaccurate. Here in Alberta, the accused will never get a chance to challenge a questionable reading.

That's not to say the province's police aren't highly trained professionals, and there's no reason to doubt the sincerity of Calgary police Traffic Sgt. Rick Butler when he vouches for the force's gear.

"The devices are absolutely reliable. I wouldn't put them in the field if we didn't know we could rely on them," Butler told reporters Tuesday.

But they have failed for other cops. And even the advanced roadside breath tester now being used in Calgary — the Alco-Sen-

sor FST — has been criticised for false readings.


One well-publicized video shows a defence attorney tricking the device into giving a positive reading by chewing a mouthful of bread before blowing <http://www.youtube.com/watch?v=7PrC5gQWLqE>

It proves nothing of course, except to show no legal case is so perfect as to be beyond a fair hearing in court, where reasonable doubt can be weighed and judged by someone impartial, like say, a judge.

Alberta's government has taken punishment out of the hands of the courts, and left it with people who make mistakes, because no one is perfect.

The province wants to get tough on drunk drivers — but the cost is our right to fight back.

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