

Areas of Defense

DUI/DWI

Assault

Drug Possession

Armed Robbery

Murder

Gun Charges

Fraud

Sex Offenses

Conspiracy

Driving Offenses

June 11, 2010

Faulty Washington DC Sobriety Tests Net 400 DUI Convictions

Earlier this year, the news media reported that the Metropolitan Police Department discovered that some machines used to determine a person's blood alcohol concentration were not calibrated correctly or were not working properly. An investigation into the matter revealed that the results of Department's Intoxilyzer machines, which are larger than the roadside breathalyzers, have been used to convict at least 400 people of DUI and DWI. Over half of the convictions resulted in jail time. This news was not surprising to [DC DUI lawyers](#), who know that machines are not infallible in assessing a person's BAC, and that field sobriety testing can be subjective when being used to determine someone's level of intoxication.

While earlier reports found that at least eight of the ten Intoxilyzer machines used by the DC Metropolitan Police Department were working improperly, the investigation revealed that all ten machines were in fact defective. The machines were not calibrated correctly and showed a person's BAC to be up to 20% higher than it actually was. Unfortunately, some people convicted of DUI based on the faulty Intoxilyzer readings had already served mandatory jail sentences, paid heavy fines, and lost driving privileges as a result of their convictions. Veteran [DC DUI attorney](#) David Benowitz calls for action from the DC Attorney General Peter Nickles, but feels he is "just not willing to deal with the situation." The discovery of the flawed readings will keep DC DUI attorneys busy as those convicted by the inaccurate readings call for new trials and expungements. At least one lawsuit has already been filed.

Prior to clinical sobriety tests, a person may be subject to field sobriety tests if he or she is pulled over and the officer suspects DUI. Sobriety tests often include the Horizontal Gaze Nystagmus test, which assesses a person's ability to smoothly track an object with the eyes; and the One-Legged Stand and the Walk and Turn, in which the officer looks for clues that suggest impairment, including balance and ability to follow directions. An officer's interpretation of these tests can be highly

DC Criminal Defense Lawyers

The Law Offices of David Benowitz

(202) 529-9374

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subjective or can inaccurately predict a person's impairment through a lack of officer training. A **DC DUI attorney** will evaluate the results of any test leading to the DUI arrest and charge of a client.