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## AVOIDING “IGNITION INTERLOCK” VIOLATIONS

(with thanks to John Gioffredi for sharing this with Dallas County Criminal Defense Lawyer colleagues)

Ignition Interlock breath testing devices (called “Deep Lung Devices” in Collin County) can be required as a condition of your bond, a condition of your probation, or a condition of an occupational driver’s license (ODL). Failing an interlock breath test (“blowing booze”) almost always requires an appearance before the judge, and it often results in revocation of bond, revocation of probation, or revocation of ODL. In some cases, you go to jail. In other cases, you may have to get a SCRAM Device installed on your leg – at \$380 or more a month, sometimes for many, many months, until your case is over. The only good possibility is a “Don’t do it again or else!” warning from the Judge. **YOU DO NOT WANT ANY OF THIS TO HAPPEN!**

Breath testing devices of every type are susceptible to false positives or abnormally high results when residual mouth alcohol is present. This is true for portable breath tests (PBTs), interlocks, home monitors, intoxilyzers, etc. For example, if you drank one teaspoon of Jack Daniels whiskey, it would not raise your blood alcohol by more than a trace, probably not more than 0.001 BAC. But it could increase the results of a breath alcohol test by 0.50 or more for 12 to 15 minutes. A true 0.50 BAC is enough to kill most people, but the one teaspoon you consumed would not be enough to get a kitten drunk!

Residual mouth alcohol is absorbed within 12 to 15 minutes. So with residual mouth alcohol, like from a mouthwash, it’s possible to have virtually no alcohol in your blood at 9 a.m., but 0.25 or more in your breath. If you took another breath test in 15 minutes, your residual mouth alcohol would be fully absorbed, and your measured alcohol level would drop back down to zero.

If you had 0.20 alcohol in your *blood*, a breath test 15 minutes later might drop down to 0.195. Fifteen minutes after that, it might be 0.190.

Residual mouth alcohol disappears entirely in 15 minutes. Alcohol in your blood disappears very gradually, at a steady rate of about 0.02 an hour.

### **HOW YOU WILL GET CAUGHT “BLOWING BOOZE”**

Most of my clients who “blow booze” do so the MORNING AFTER a night of drinking. They go to bed around midnight with a 0.20 alcohol level, or higher, and then blow a 0.04 at 8 a.m. when they try to start their vehicle. If you blow an 0.04 Blood Alcohol Concentration (BAC) at 8 a.m., it’s possible that you decided to have a three martini breakfast, but it’s much more likely that you went to bed the night before with a fairly high BAC. Either way, those are risky things to do when you are being monitored for alcohol intake. If you get caught “blowing booze,” we charge \$350 to go to court with you. That’s extra work caused by your risk taking. We charge for that extra work. Be wise. Be cautious. **GET IN TREATMENT IF YOU NEED IT.** Let’s get you through this.