

Breath Alcohol Equipment Replacement - Phase 2 of 3**FY2001 Request:****\$123,750****Reference No:****32259****AP/AL:** Appropriation**Project Type:** Equipment**Category:** Public Protection**Location:** Statewide**Contact:** Kenneth E. Bischoff**House District:** Statewide (HD 1-40)**Contact Phone:** (907)465-4336**Estimated Project Dates:** 07/01/2000 - 06/30/2002**Brief Summary and Statement of Need:**

Purchase of 75 replacement forensic breath alcohol instruments for use by all law enforcement agencies in the state. This equipment will replace the outmoded instruments currently in use. FY2001 is the second year of the replacement cycle. 50% of the cost will be provided by Federal (Interagency Receipt) funds and 50% will be matched with state funds.

Funding:	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	Total
G/F Match	\$61,875	\$80,438					\$142,313
I/A Rcpts	\$61,875	\$43,312					\$105,187
Total:	\$123,750	\$123,750	\$0	\$0	\$0	\$0	\$247,500

<input checked="" type="checkbox"/> State Match Required	<input type="checkbox"/> One-Time Project	<input checked="" type="checkbox"/> Phased Project	<input type="checkbox"/> On-Going
50% = Minimum State Match % Required	<input type="checkbox"/> Amendment	<input type="checkbox"/> Mental Health Bill	

Operating & Maintenance Costs:

	<u>Amount</u>	<u>Staff</u>
Project Development:	0	0
Ongoing Operating:	0	0
One-Time Startup:	0	
Totals:	0	0

Additional Information / Prior Funding History:

Sec 100, Ch 2, SLA 1999, \$139.5

Project Description/Justification:**PROJECT DESCRIPTION**

This is the second year of a three year project to replace all breath testing instruments used within the Criminal Justice System to test suspects of Driving While Intoxicated (DWI) and related crimes. All law enforcement agencies in Alaska rely on these instruments to obtain breath alcohol content and they are used to prosecute under DWI and vehicular homicide statutes. Currently, there are instruments in 60 locations which service approximately 80 agencies. During 1999, approximately 5,000 tests will be conducted on potential DWI suspects. DWI is one of the leading causes of highway deaths in Alaska.

PROJECT NEED STATEMENT

Law enforcement agencies in Alaska currently use the Intoximeter 3000 instruments for the collection of evidential breath alcohol testing in DWI cases. These instruments are maintained by the Crime Laboratory in Anchorage, with certifications performed to assure accuracy every sixty days by field supervisors trained by the laboratory.

The State's current breath test instrument, the Intoximeter 3000 DFC, was originally purchased in the early 1980's and has technology of that time frame. Although they received an upgrade in 1990, these instruments are outmoded electronically and are no longer manufactured. Thus they are very costly to operate and maintain. It is very difficult to get crucial replacement parts, with as much as a two month delay. These delays in repairs and parts translate to locations which have gone months without an instrument. In addition, with the aging of the instruments, users have gone months without this basic equipment to enforce drunk driving statutes. This situation is undermining law enforcement's effort at DWI enforcement. The manufacturer has said they will discontinue support of the Intoximeter 3000 DFC, meaning that

parts will no longer be available after this year.

Any delay in funding for this project may endanger the continued availability of federal interagency receipt funds which make up half of the funding in this three phase project. Failure to receive consecutive adequate funding would leave the state with two different breath test instruments that would require maintaining staff trained on both instruments to keep them calibrated and operational. This would also cause confusion within the law enforcement community and in the courts. The ultimate impact would be the inability to prosecute some DWI cases.

DOCUMENTATION OF CAPITAL COSTS

The anticipated total cost of the project in each of the remaining two years is \$123,750. This includes the per instrument cost of approximately \$4,950, which is based upon knowledge of the industry. Planned is the purchase of 25 instruments (25 X \$4,950 = \$123,750) in each year of the three year project.

ANALYSIS OF ESTIMATED OPERATIONAL COSTS

The Crime Laboratory is currently budgeted to calibrate, repair, and maintain all of the breath test instruments in Alaska and oversee the training of breath test operators. There will be no increase in costs due to the receipt of the new instruments. Conversely, if they are not replaced timely, operating costs will continue to increase because of the increasing frequency of the needed repairs.

IDENTIFICATION OF ALTERNATIVES CONSIDERED

- . Leasing - There is no known lessor of these instruments.

- . Have each law enforcement agency purchase their own instruments - In order to maintain control, and thus the integrity of the Statewide Breath Alcohol Program, the State should maintain ownership of the breath test instruments. AS 28.05.011 and 13 AAC 63.10 - 63.900 provide for the Department of Public Safety to regulate the Statewide Breath Alcohol Testing Program. The state provides expert witness testimony to support and uphold the validity of each DWI test. If the state does not have the control over each instrument and the program itself, Crime Lab personnel will not be able to provide the testimony necessary to obtain convictions.

- . Do not replace the instruments - This is not possible given the role of the Crime Lab to support law enforcement in Alaska.