

It seems that the Breathalyser Act has caught the Authorities by surprise. On November 12th, the Transport Minister announced that the Breathalyser had become law and would be implemented from November 30th. On December 2nd, Deputy Commissioner of Police, Maurice Piggott confirmed that the Police are still being trained to use the breathalyser, and that the device will be put into full use in the upcoming Carnival Season and not by Christmas. The DCP added that the Police Service is also seeking to implement a public awareness campaign in an effort to change drinking and driving habits.

Newsday then reported on December 3rd that the first batch of breathalyser kits is expected to arrive on December 15. On December 4th, the Transport Minister claimed that the breathalyser would be operational on the Nation's roads by Christmas Eve. He said that the suppliers are sending someone to train police officers in the next few days, suggesting that it may take less than an hour to train an officer to use the device.

So the Minister says this, and the Police say that! Despite the Minister for Motor Vehicles and Road Traffic being the authority for these regulations, I am inclined to accept the position adopted by the Police, simply because they are the operators of the law. This brings me to my next point.

I would like this new Act to be further amended to include the Licensing Authority or any person authorized by the Licensing Authority to be able to conduct the Field Sobriety or Preliminary indication of alcohol in a person's breath, with the Evidential or Formal Test for the quantitative measure of alcohol in a person's breath remaining the exclusive domain of the Police. This is because I do not believe that traffic

enforcement is a priority of the Police. Drinking-and-driving is predominantly a night-time activity; when last have the Police conducted major night-time traffic operations? And how consistent have they been? The truth is Police road patrol is hardly even seen at night.

The Motor Vehicles and Road Traffic Act already provides for Licensing Officers (Motor Vehicle Officers) to conduct road checks, and while they may be few in numbers, the Minister could readily create more positions so that Licensing Officers could work shift operations around the clock for regular traffic enforcement and adherence to road rules. They would be able to intercept so many other breaches of the traffic laws.

Recently, a close friend got into a crash. A well-known PH taxi sped onto the major road and he hit it. The car had no insurance. Amazingly, the very first thing that the driver told my friend was that her "boyfriend is a Police!" Needless to say he is seeking legal advice.

Two years ago I argued that in 1996, a useful method that the Licensing Authority had in ensuring that vehicles were registered annually was removed. Up until that time, vehicles had to be registered annually, and in order to do so, up-to-date vehicle insurance had to be shown. Since then, only trucks, taxis and maxis have to be registered annually, while new private cars do not register until 5 years, and then every 3 years thereafter. But because of extremely poor field enforcement by both licensing office and traffic police, I suspect that there are not only many unregistered vehicles on the road, but many un-insured ones as well!

But back to my subject, the Police should remain exclusively with the second stage test of the breathalyser to be done at a Police

Station as there are Police Stations located all around the country.

I will close with some comments from readers on my last article on the breathalyser. The first is from GS. *"The problem we face in Trinidad (and Tobago to a lesser extent) is that we absolutely hate to have hard-and-fast rules. We love the concept of discretion. This was brought home to me many years ago when I was in charge of a large construction project. I told one of my senior technicians that he needed to test at a certain frequency and let me know if the density failed to meet the specified standard. His question was 'and what is my discretion?' Well, I told him he had no discretion. He tested, told me the results if they failed, and that was that. He looked at me contemptuously (I was a relatively young engineer then), and said 'Things can't work so. I have to be able to ease-up the Contractor now and then otherwise we will not live good.' That's why we don't want a breathalyser, but prefer to rely on the observations of the individual police officer. And that is the hallmark of what Mr. Naipaul called 'the picaroon society'."*

And finally from AH: *"The effectiveness of any law depends on enforcement. Murder is still a crime punishable by hanging in T&T but the no. of murders have hit new record high in the last 6 - 8 years. Given the level of apathy in the Police Service I really doubt that they would single out the Breathalyser law for special attention. The usual mantra would be that 'Police have more important things to attend to'. I expect that by this time next year the novelty would wear off and it would be same old, same old as far as the Police are concerned."*

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