

## Former Cop Avoids Jail In DUI Case

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HARRISONBURG - The former leader of the area gang task force learned Friday that a charge of driving under the influence of alcohol will be dismissed if he completes a judge's special terms over the next year.

Bryan Horowitz, 36, must finish 200 hours of community service, go through the Virginia Alcohol Safety Action Program and honor his suspended driver's license for six months to get the charge dropped.

During a hearing in a small room in Rockingham County General District Court on Friday, Judge Charles B. Foley sided with defense attorney John Holloran to review the case in a year, with the special conditions applied for potential dismissal.

Foley is a retired judge from Fauquier County brought in to oversee the case.

On May 4, Horowitz was charged with three misdemeanors - first-offense DUI, refusing a Breathalyzer and speeding - following a traffic stop in Broadway a night earlier.

At the time of his arrest, Horowitz oversaw CHARGE, the Combined Harrisonburg And Rockingham Gang Enforcement task force, and was a corporal with the Harrisonburg Police Department.

He no longer has those jobs.

Horowitz pleaded no contest on Friday to the DUI charge, which while not being an admission of guilt, does mean he accepts punishment for the offense. He can apply for a restricted driver's license, but also must have an ignition interlock device installed in his vehicle, the judge said.

Horowitz will return to court Oct. 24 for the refusal and speeding charges, both of which are also misdemeanors.

`Lucky' To Live

Holloran argued that his client has already dealt with public humiliation and the loss of his police career, and finding him guilty and delivering further punishment, such as jail, would not be appropriate.

"It's not the usual or typical defendant," he said, handing the judge a list of awards Horowitz has received.

Elizabeth Cooper, a special prosecutor brought in from Page County, countered that Horowitz should be held to a higher standard since his job in law enforcement is to ensure the public's safety.

On May 3, a Broadway police officer traveling on Lee Street clocked Horowitz as traveling 52 mph in a 35 mph zone. According to a criminal complaint, once the vehicle was parked at Backstage Video on Main Street, the officer saw the driver and a passenger, Horowitz's wife, attempting to switch places.

Horowitz had slurred speech, a smell of alcohol on him and did not know what street he was driving on, Cooper said. He refused field sobriety tests, she said, and in a holding cell at Rockingham County Jail, he passed out with his head in his hands and an "observable amount of drool on the floor."

"He's lucky that he didn't take anybody's life. He's lucky he didn't take his life. He's lucky he didn't take his wife's life," Cooper said.

Holloran said a Harrisonburg police officer at the jail found that Horowitz had no smell of alcohol and was not slurring his speech, which Cooper says two Broadway cops would deny.

"They were beyond concerned about his drinking that night," she said.

Foley said Cooper's argument was "absolutely sound," acknowledging that the first time someone is caught driving drunk does not mean it's his or her first time doing it.

"How many times do we see people leaving these watering holes at 2 in the morning and driving home every night?" he said. "Maybe it's a good thing [to be caught]."

To Horowitz, Foley said, "There are times ... people who are in your shoes are held to a higher standard and when they mess up,

everyone is going to be interested in what's going to happen."

Yet after posing a rhetorical question - "What in the hell do we do with people in this situation?" - the judge gave Horowitz a year to make amends.

"Maybe you need another shot at it," Foley said.

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