High and Not Dry: Driving While Impaired
FACILITATOR: Brian Ursino, Director, Law Enforcement, AAMVA
PRESENTERS:
Darrin Grondel,
Director, Washington Traffic Safety Commission and Chair, Law Enforcement Standing Committee

Lt. Colonel Kevin Eldridge,
Colorado State Highway Patrol
High and Not Dry: Driving While Impaired
High and Not Dry: Driving While Impaired

Lieutenant Colonel Kevin Eldridge, Colorado State Highway Patrol
Director Darrin Grondel, Washington Traffic Safety Commission
Brian Ursino, Director of Law Enforcement, AAMVA

Wednesday, March 18, 2015
10:30 a.m. – 12:00 p.m.
High and Not Dry: Driving While Impaired

Mother’s Against Drunk Driving (madd)

• New Strategic Plan – Effective January 1, 2015

• Updated VISION Statement:
  – A nation with drunk and **drugged** driving

• Updated VISION Statement:
  – The mission of Mother’s Against Drunk Driving is to end drunk driving, **help fight drugged driving**, support the victims of these violent crimes, and prevent underage drinking.
“Driving High”
2014 Colorado State Patrol Enforcement Efforts

Presented by
Colorado State Patrol
Lt. Colonel Kevin Eldridge
kevin.eldridge@state.co.us
(303) 710-0358
Overview

• Canines
• Evidence
• Colorado State Patrol Efforts
• Marijuana Impairment
• Questions & Answers
Impact of Marijuana in Colorado

• Tax Revenue Collected
  – $64,414,883*

• Cash and banking remain an issue. Crime rates around dispensaries have remained relatively the same.**

* Colorado Department of Revenue: Marijuana Taxes, Licenses, and Fees Transfers and Distributions December 2014 document.
** CBS News: 60 minute article “Medical Marijuana Brings “Green Rush” to Colorado.” Aired 10/21/12.
Impact of Marijuana in Colorado

- **Statewide Statistics**
  - 227 McDonalds
  - 405 Starbucks
  - 497 medical dispensaries
  - 369 recreational dispensaries
Marijuana Enforcement Challenges

- Odor coming from the car
- Ownership of plants
  - Caregiver
  - Commerce transport
- Legal amounts
- Evidence?
Canine Strategies

• Searches have increased

• Trained to detect several drug categories

• Doesn’t have different alerts for different drugs – conflict with Federal Programs
Canine Strategies

- Replacing canines
- Training to meet new standards
- Compliant with the new laws and conflicting directives
- Seizures are now equal to importing and exporting
Evidence Storage & Care

- What to do with it?
- Evidentiary

- Found property
- Storage
- Responsible for damage
CSP Efforts

- In 2014, CSP launched a campaign focused on the prevention of DUI/DUID related fatal and injury crashes.
- Social Media blitz throughout 2014 & 2015.
CSP Efforts

• 2014 – CSP was an instrumental stakeholder in the facilitation of statewide marijuana blood testing (policy and procedure)

• Modified internal policies to reflect change in law – members are prohibited from engaging in the industry and must maintain a drug-free workforce

• 2015 – in partnership with the Dept of Law, we are running a pilot program for saliva drug testing
Enforcement

• 2014 was the year of “impaired driving”
• Trooper schedules and high visibility efforts were enhanced
• Focus was not just on alcohol impairment
• What is the baseline for marijuana impairment?
• How do we improve?
Standardized Field Sobriety Test

- Roadside SFST is proven to detect alcohol impaired drivers
- Specialized training is required for drug impaired drivers
Adv. Roadside Impaired Driving Enforcement

- Bridges the gap between alcohol and drug impairment
- CSP has over 540 ARIDE trained troopers
- Continued effort to train all LE agencies as the new SFST
Drug Recognition Expert

- More advanced training for awareness
- Increase in training numbers
- 61 DRE troopers
Data Tracking

• New philosophy to ensure accurate data compilation for DUI/DUID arrests
  – Alcohol
  – Alcohol AND Marijuana
  – Marijuana only
  – Marijuana AND other drug combinations
Total DUI/DUID Citations

4,177 Proactive

1,369 Reactive

12.2% of all DUI/DUID citations in 2014 involved marijuana.
### CSP Citations for Drug Impairment by Drug Type
#### CY 2014 by Month

<table>
<thead>
<tr>
<th>Drug Impairment Type</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana &amp; Alcohol</td>
<td>20</td>
<td>9</td>
<td>15</td>
<td>21</td>
<td>16</td>
<td>18</td>
<td>18</td>
<td>32</td>
<td>15</td>
<td>21</td>
<td>12</td>
<td>14</td>
<td>209</td>
</tr>
<tr>
<td>Marijuana &amp; Other Controlled Substances</td>
<td>6</td>
<td>5</td>
<td>8</td>
<td>21</td>
<td>9</td>
<td>18</td>
<td>9</td>
<td>6</td>
<td>5</td>
<td>8</td>
<td>5</td>
<td>11</td>
<td>111</td>
</tr>
<tr>
<td>Marijuana Only</td>
<td>35</td>
<td>18</td>
<td>36</td>
<td>41</td>
<td>30</td>
<td>20</td>
<td>21</td>
<td>30</td>
<td>35</td>
<td>35</td>
<td>22</td>
<td></td>
<td>354</td>
</tr>
<tr>
<td><strong>Total Marijuana Citations</strong></td>
<td>61</td>
<td>32</td>
<td>59</td>
<td>83</td>
<td>55</td>
<td>65</td>
<td>47</td>
<td>59</td>
<td>50</td>
<td>64</td>
<td>52</td>
<td>47</td>
<td>674</td>
</tr>
<tr>
<td>Other Drugs</td>
<td>18</td>
<td>11</td>
<td>15</td>
<td>25</td>
<td>17</td>
<td>22</td>
<td>20</td>
<td>14</td>
<td>15</td>
<td>20</td>
<td>12</td>
<td>11</td>
<td>200</td>
</tr>
<tr>
<td><strong>Total of DUID Impairment</strong></td>
<td>79</td>
<td>43</td>
<td>74</td>
<td>108</td>
<td>72</td>
<td>87</td>
<td>67</td>
<td>73</td>
<td>65</td>
<td>84</td>
<td>64</td>
<td>58</td>
<td>874</td>
</tr>
<tr>
<td>Total DUI/DUID Citations</td>
<td>421</td>
<td>344</td>
<td>461</td>
<td>550</td>
<td>559</td>
<td>526</td>
<td>475</td>
<td>507</td>
<td>427</td>
<td>515</td>
<td>416</td>
<td>345</td>
<td>5546</td>
</tr>
<tr>
<td>% DUID Citations Involving Marijuana</td>
<td>77.2%</td>
<td>74.4%</td>
<td>79.7%</td>
<td>76.9%</td>
<td>76.4%</td>
<td>74.7%</td>
<td>70.1%</td>
<td>80.8%</td>
<td>76.9%</td>
<td>76.2%</td>
<td>81.3%</td>
<td>81.0%</td>
<td>77.1%</td>
</tr>
<tr>
<td>Marijuana as a Percent of Total DUID/DUID</td>
<td>14.5%</td>
<td>9.3%</td>
<td>12.8%</td>
<td>15.1%</td>
<td>9.8%</td>
<td>12.4%</td>
<td>9.9%</td>
<td>11.6%</td>
<td>11.7%</td>
<td>12.4%</td>
<td>12.5%</td>
<td>13.6%</td>
<td>12.2%</td>
</tr>
<tr>
<td>Proactive Citations</td>
<td>319</td>
<td>255</td>
<td>342</td>
<td>455</td>
<td>440</td>
<td>405</td>
<td>341</td>
<td>370</td>
<td>319</td>
<td>387</td>
<td>294</td>
<td>250</td>
<td>4177</td>
</tr>
<tr>
<td>Reactive Citations</td>
<td>102</td>
<td>89</td>
<td>119</td>
<td>95</td>
<td>119</td>
<td>121</td>
<td>134</td>
<td>137</td>
<td>108</td>
<td>128</td>
<td>122</td>
<td>95</td>
<td>1369</td>
</tr>
</tbody>
</table>
Edibles

• What does it look like?

• Packaging

• Serving size
Edibles
Lessons Learned

• Fiscal Impact
• Training needs
• Policies and Procedures
• Data Collection
Why Should You Care

Marijuana Legalization Status
- Medical marijuana legalized
- Marijuana legalized for recreational use
- No laws legalizing marijuana
Marijuana in Washington

Darrin Grondel, Director
Washington Traffic Safety Commission
March 18, 2015
Marijuana Legalization in WA

- I-502, Nov. 6, 2012
- ACLU, Rick Steves, Peter Lewis
- $6 million

Medical Marijuana
- 1998 (public vote)
- No provider list
- No patient registry
- No stringent regulatory oversight
Marijuana Use Is A Violation Of Federal Law
— feds take a “hands off” approach – with conditions:

Conditions include:

• Prevent youth access
• Prevent an increase in drug impaired driving
• Prevent travel across borders
• Prevent increases in illegal pot grows on government lands (parks)
• Prevent diversion of pot revenue to criminals
• Pot use on federal property is still illegal
Marijuana Regulatory Process

- Liquor Control Board set up regulatory system
- Regulations govern growing, processing, distribution, sales, pesticides and testing of marijuana
- Stores started opening in July, 2014
- 65 stores in operation
- 334 producer/processor licenses issued
- Grow canopy covers 16 football fields
- $134 million in tax revenue 2015-17 biennium
Recreational vs. Medical Marijuana

**Recreational:**
- Amount limits, up to either:
  - 1 oz “useable” MJ (bud)
  - 16 oz infused product (brownies)
  - 72 oz liquid (soda pop)
  - 7 grams concentrate (hash oil)
- Illegal to grow your own
- Lab tested, controlled pesticide use
- Age 21+
- Taxed

**Medical:**
- Up to 24 oz “useable” MJ
- Can grow up to 15 plants
  - Double that if you are an MJ provider and patient
- No dispensaries, but “cooperatives”
- No lab test, pesticide controls
- Age 18+ (even providers)
- Not taxed (1/3 – ¼ the cost)
- Need MJ card (not prescription) – tamper resistant
- Doctor, naturopath, PA, nurse practitioner, osteopath

Provide MJ to a minor: felony
DUI – 5 ng/ml
Penalties for illegal grows, quantities
Medical Marijuana – The path To Legalization
Marijuana and traffic safety:

- Doubles your risk of a fatal crash
- Affects concentration, mental tracking, motor coordination, drowsiness
- People combine pot and alcohol (1 + 1 = 6)
- WA drug-involved fatal crashes are down
- DUI citations are down
Today’s marijuana potency: “Not Your Daddy’s Woodstock Weed”

1973

2008

2014 marijuana being sold in stores

3%

10%

20% - 30%
Increase in pot-impaired driving?

2013 WSP Lab Samples:
• 5,468 samples
• 25% MJ positive (19% in 2012)
• THC levels higher
• 1 in 4 THC cases involved driver under age 21

Data consistency:
Driver .08 BAC no THC test
WSP lab did not test all samples for MJ until 2013
Total Traffic Fatalities and Fatalities Involving an Impaired Driver 2004-2013*

Impaired Driver Involved

- 2004: 567
- 2005: 649
- 2006: 633
- 2007: 571
- 2008: 521
- 2009: 492
- 2010: 460
- 2011: 454
- 2012: 438
- 2013*: 436

IDI Trend

Fatality Trend

- 2004: 45%
- 2005: 44%
- 2006: 48%
- 2007: 48%
- 2008: 49%
- 2009: 54%
- 2010: 52%
- 2011: 44%
- 2012: 46%
- 2013*: 48%
Number of Drivers in Fatal Collisions Positive for Marijuana 2004-2013

Marijuana and Alcohol (Any BAC>0)
<table>
<thead>
<tr>
<th>Year</th>
<th>Total fatal crashes involving alcohol &amp; drugs:</th>
<th>Alcohol (BAC over .08)</th>
<th>Drug (impairing drug found in driver)</th>
<th>All traffic deaths (not just impaired driving deaths)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>182</td>
<td>106</td>
<td>116</td>
<td>439*(1)</td>
</tr>
<tr>
<td>2012</td>
<td>202</td>
<td>126</td>
<td>132</td>
<td>438</td>
</tr>
<tr>
<td>2011</td>
<td>199</td>
<td>135</td>
<td>110</td>
<td>454</td>
</tr>
<tr>
<td>2010</td>
<td>240</td>
<td>152</td>
<td>154</td>
<td>460</td>
</tr>
<tr>
<td>2009</td>
<td>265</td>
<td>189</td>
<td>152</td>
<td>492</td>
</tr>
<tr>
<td>2008</td>
<td>255</td>
<td>166</td>
<td>153</td>
<td>521</td>
</tr>
<tr>
<td>2007</td>
<td>272</td>
<td>184</td>
<td>165</td>
<td>571</td>
</tr>
<tr>
<td>Year</td>
<td>All Traffic Deaths</td>
<td>Traffic deaths involving a driver who tested positive for marijuana</td>
<td>% of all traffic deaths</td>
<td>DUI alcohol &amp;/or DUI drugs combined</td>
</tr>
<tr>
<td>------</td>
<td>---------------------</td>
<td>---------------------------------------------------------------</td>
<td>------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>2013</td>
<td>436</td>
<td>46</td>
<td>11%</td>
<td>182 (48%)</td>
</tr>
<tr>
<td>2012</td>
<td>438</td>
<td>60</td>
<td>14%</td>
<td>202 (46%)</td>
</tr>
<tr>
<td>2011</td>
<td>454</td>
<td>53</td>
<td>12%</td>
<td>199 (44%)</td>
</tr>
<tr>
<td>2010</td>
<td>460</td>
<td>53</td>
<td>12%</td>
<td>240 (52%)</td>
</tr>
<tr>
<td>2009</td>
<td>492</td>
<td>68</td>
<td>14%</td>
<td>265 (54%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Serious injuries</th>
<th>All drug &amp;/or alcohol involved</th>
<th>% of all serious injuries</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>1921</td>
<td>411</td>
<td>21%</td>
</tr>
<tr>
<td>2012</td>
<td>2200</td>
<td>501</td>
<td>23%</td>
</tr>
<tr>
<td>2011</td>
<td>2136</td>
<td>479</td>
<td>22%</td>
</tr>
<tr>
<td>2010</td>
<td>2482</td>
<td>470</td>
<td>19%</td>
</tr>
<tr>
<td>2009</td>
<td>2646</td>
<td>570</td>
<td>21%</td>
</tr>
</tbody>
</table>
Marijuana infused products

- Edibles – control consumption
- Dabs – highly concentrated THC
- E-cigs – hard to spot in schools (no smell)
- Youth coming into treatment are sicker
- Drop in IQ, affects brain development
- Increased access by youth?
College student
Northwest College, Wyoming
Ate a marijuana cookie. Recommended serving size: 1/6 of a cookie. He ate the whole thing.

Jumped out of a hotel window to his death

Autopsy report: “Marijuana intoxication was a significant contributing factor in his death.”
Her husband ate marijuana candy. He started hallucinating. He told his wife to shoot him. She called 9-1-1. While she was on the phone with 9-1-1, he killed her.

Kristine Kirk, Denver Colorado
PIRE Roadside Survey
Pacific Institute for Research & Evaluation

• Data collection: June, 2014; Nov. 2014 and June, 2015

• Statewide sample -- six counties, five areas within each (Spokane, Yakima, King, Whatcom, Snohomish, Kitsap)

• Alcohol and drugs (75 types, with levels)
June Data Collection

- Six counties, 5 locations
- 926 drivers eligible
- 97% (917) breath tests
- 96% (902) saliva
- 74% (711) blood

Male drivers age 20 – 34 over-represented:
  * 21% population
  * 45% survey sample
“Have you ever, even once, used marijuana?”

<table>
<thead>
<tr>
<th>69% -- yes</th>
<th>(T=615)</th>
</tr>
</thead>
<tbody>
<tr>
<td>31% -- no</td>
<td>(T=273)</td>
</tr>
</tbody>
</table>

\(T=888\) respondents

Those who said they used marijuana in the last year were also asked: “Have you used marijuana within two hours of driving?”

<table>
<thead>
<tr>
<th>44% -- yes</th>
<th>(T=97)</th>
</tr>
</thead>
<tbody>
<tr>
<td>56% -- no</td>
<td>(T=123)</td>
</tr>
</tbody>
</table>

\(T=220\) respondents
The drivers who said they’d used marijuana within two hours of driving were also asked: *when you used marijuana and drove, how do you think it affected your driving?*

<table>
<thead>
<tr>
<th></th>
<th>Percentage of drivers:</th>
<th>Total number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did not make any difference in my driving:</td>
<td>62%</td>
<td>60</td>
</tr>
<tr>
<td>Made me a better driver:</td>
<td>25%</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$T = 84 \ (87%)$</td>
</tr>
<tr>
<td>I don’t know:</td>
<td>10%</td>
<td>10</td>
</tr>
<tr>
<td>Made my driving worse:</td>
<td>3%</td>
<td>3</td>
</tr>
</tbody>
</table>
Among the drivers surveyed, 877 answered the question: “How likely do you think it is that marijuana impairs a person’s ability to drive safely if used within two hours of driving?”

<table>
<thead>
<tr>
<th></th>
<th>Percentage:</th>
<th>Number of Respondents:</th>
<th>T= 877</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very likely</td>
<td>47%</td>
<td>409</td>
<td></td>
</tr>
<tr>
<td>Likely</td>
<td>19%</td>
<td>162</td>
<td></td>
</tr>
<tr>
<td>Somewhat likely</td>
<td>22%</td>
<td>197</td>
<td></td>
</tr>
<tr>
<td>Not at all likely</td>
<td>12%</td>
<td>109</td>
<td></td>
</tr>
</tbody>
</table>

(88%)
881 Survey respondents answered the question: “How likely do you think it is that a person could be arrested for impaired driving after using marijuana within two hours of driving?

<table>
<thead>
<tr>
<th></th>
<th>Percentage:</th>
<th>Number of Respondents:</th>
<th>T= 881</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very likely</td>
<td>41%</td>
<td>360</td>
<td></td>
</tr>
<tr>
<td>Likely</td>
<td>23%</td>
<td>204</td>
<td></td>
</tr>
<tr>
<td>Somewhat likely</td>
<td>25%</td>
<td>219</td>
<td>T= 783 (89%)</td>
</tr>
<tr>
<td>Not at all likely</td>
<td>11%</td>
<td>98</td>
<td></td>
</tr>
</tbody>
</table>
AGENCY: Amelie
CLIENT: Washington Traffic Safety Commission
TITLE: Drive High DUI – BBQ :30s
ISCI: WTSC1402
TRT: :30
DATE: 5.19.14
PSAs developed in Colorado:

AGENCY: Amelie
CLIENT: Washington Traffic Safety Commission
TITLE: Drive High DUI – TV :30s
ISCI: WTSC1401
TRT: :30
DATE: 5.19.14
Target Zero: Our Plan For The Future:

Impaired Driver Involved Fatalities 2002-2011

In order to reach Target Zero in 2030, fatalities must be reduced by an average of 12 per year (from 5yr Avg).
Ignition Interlock Working Group Status:

- Draft Document (86-pages) prepared and distributed to full IIWG on January 12, 2015;
- Core Group meeting scheduled for April 15 – 16, 2015 for final consideration of comments received from full IIWG & conduct final editing;
  - Core Group consists of 2 staff liaisons: Manuel, Ursino; and WG Members Angela Coleman (VA), Ken Denton (WA), Tom Liberatore (MD) & Associate Member Duane Kokesch (NDAA)
Ignition Interlock Working Group Status:

- Two-fold purpose: For those with and without a current II program
- Document Themes & Takeaways:
  - BAILD History & Background;
  - BAILD Program Types;
  - Regulatory Standards;
  - BAILD Program Architecture – Manufacturer Oversight;
  - BAILD Program Architecture – Participant Oversight;
  - Reciprocity;
  - Outreach & Education;
  - Program Evaluation;
  - Addenda: WG Roster; Model Legislation; AAMAV/AllPA Joint II Survey; AllPA Standardized Vocabulary; NHTSA Model Specifications; Research & References.
- Will include a law enforcement training video
- Deliverables scheduled for release in August 2015
High and Not Dry:
Driving While Impaired

Lieutenant Colonel Kevin Eldridge, Colorado State Highway Patrol
Director Darrin Grondel, Washington Traffic Safety Commission
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