

Driving High: How Colorado & Washington Are Addressing Legalized Marijuana

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Sunday, March 15, 2015

Mother's Against Drunk Driving (madd)

- New Strategic Plan – Effective January 1, 2015
- Updated VISION Statement:
 - *A nation with drunk and druqqed driving*
- Updated VISION Statement:
 - *The mission of Mother's Against Drunk Driving is to end drunk driving, help fight druqqed driving, support the victims of these violent crimes, and prevent underage drinking.*




Emerging Trends in Drug Driving Enforcement

*Lifesavers
March 2015*

Michael L. Brown
Director, Office of Impaired Driving and Occupant Protection
National Highway Traffic Safety Administration – Washington, DC


NHTSA Activities

- Office of National Drug Control Policy (ONDCP)
 - National Drug Control Strategy – **National Policy**
 - Per se Laws
 - Impairment thresholds – NIDA
 - DUID Summit
- 2007 Roadside Survey
 - 16.3% presence
- 2013/4 Roadside Survey
- Virginia Beach Case Control Study
- FMCSA/Title 49 (Interstate/regulated carriers)
- NHTSA Case Control Study/Virginia Beach
- Washington Roadside Survey



More NHTSA Activities

- **National Transportation Safety Board (NTSB)**
 - Impaired Driving Forum – Spring 2012
 - NTSB Recommendations – November 2012
 - Better BAC/Drug data
 - Toxicology issues – cutoff thresholds
- **Technology**
 - Expert Panel Fall 2012
 - Saliva Based Devices – Demonstration Project




Even More NHTSA Activities

- **Under Reporting**
 - 2009 Report to Congress
 - State Law Change Recommendations
 - Toxicology Fellow
 - Testing protocol guidance
 - UCR Format Changes
- MAP 21 – Section 405 Clarification


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Detection Initiatives

- ▶ Drug Evaluation Classification (DEC) Program
 - Drug Evaluation Experts (DREs)
 - ARIDE Training
 - Standard Field Sobriety Test Training




Impaired Driving Involves the use of *Alcohol, Drugs, or Both*



"Driving High" 2014 Colorado State Patrol Enforcement Efforts





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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 minutes 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 and Care

- What to do with it?
- Evidentiary



- Found property
- Storage
- Responsible for damage?



Colorado State Patrol Efforts

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



Colorado State Patrol Efforts

- 2014-CSP was an instrumental stakeholder in the facilitation of statewide marijuana blood testing (policy and procedure)
- 2015-in partnership with Department of Law, we are running a pilot program for saliva testing for drugs.
- Modified internal policies to reflect the change in law-members are prohibited from engaging with the industry and must maintain a drug-free workforce.



Enforcement

- 2014 was the year of “impaired driving”
- Trooper schedules and high visibility efforts were enhanced.
- Focus was not just on alcohol impairment.
- What was the baseline for marijuana impairment? How do we improve or track?



Standardized Field Sobriety Test



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



Advanced 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 Development

- 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



Colorado State Patrol Statistics

- Only Colorado LE agency to begin tracking statistics.

CSP Citations for Drug Impairment by Drug Type													
CY 2014 by Month													
Drug Impairment Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Marijuana & Alcohol	20	9	15	21	16	16	18	32	15	21	12	14	209
Marijuana & Other Controlled Substances	6	5	8	21	9	18	9	6	5	8	5	11	111
Marijuana Only	35	18	36	41	30	31	20	21	30	35	35	22	354
Total Marijuana Citations	61	32	59	83	55	65	47	59	50	64	52	47	674
Other Drugs	18	11	15	25	17	22	20	14	15	20	12	11	200
Total of DUI/DUID Impairment	79	43	74	108	72	87	67	73	65	84	64	58	874
Total DUI/DUID Citations	421	344	461	550	559	526	475	507	427	515	416	345	5546
% DUI/DUID Citations Involving Marijuana	77.2%	74.4%	78.7%	76.9%	76.4%	74.7%	70.1%	80.8%	76.9%	76.2%	81.3%	81.0%	77.1%
Marijuana as a Percent of Total DUI/DUID	14.2%	8.3%	12.8%	15.1%	8.8%	12.4%	9.9%	11.6%	12.7%	12.5%	13.6%	12.2%	12.2%
Proactive Citations	212	255	342	455	400	405	341	370	319	387	398	250	4177
Reactive Citations	102	89	119	95	119	121	134	137	108	128	122	95	1369



Edibles

- What does it look like?
- Packaging
- Serving size



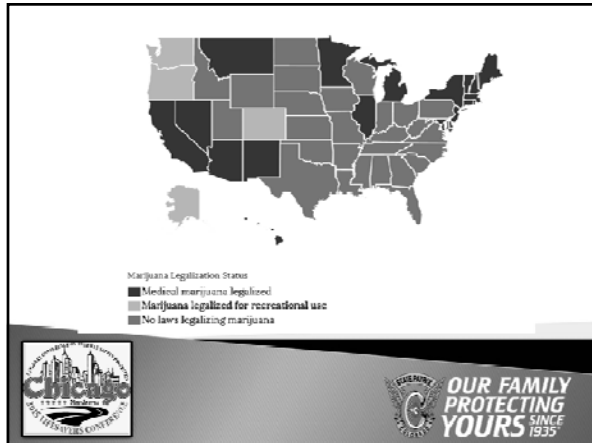
Edibles



Lessons Learned

- Fiscal Impact
- Training needs
- Policies and Procedures
- Data collection





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Sunday, March 15, 2015
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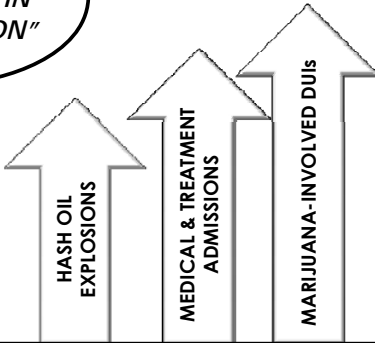
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weed.

Courtney Popp, Legal Advisor – King Co Sheriff’s Office
Advanced Training Unit & WA State TSRP

IT'S NOT REALLY
"WORKING IN
WASHINGTON"

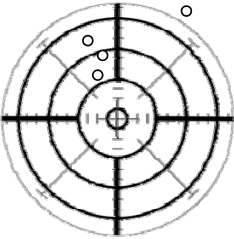


HASH OIL
EXPLOSIONS

MEDICAL & TREATMENT
ADMISSIONS


MARIJUANA-INVOLVED DUIS

PER SE LEVELS: Double-edged Sword




- 5 nanograms per se
- ≠ impairment
- Limited studies
- Too many factors
 - Potency
 - Dosage
 - Frequency of Use
 - Combination with other items


1 polydrug use & additive effect




2 blood versus urine



3 not your grandma's weed



4 baked not fried




HASH OIL & CONCENTRATES

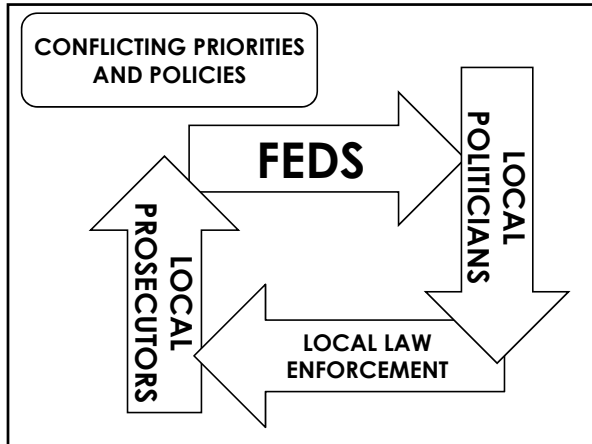


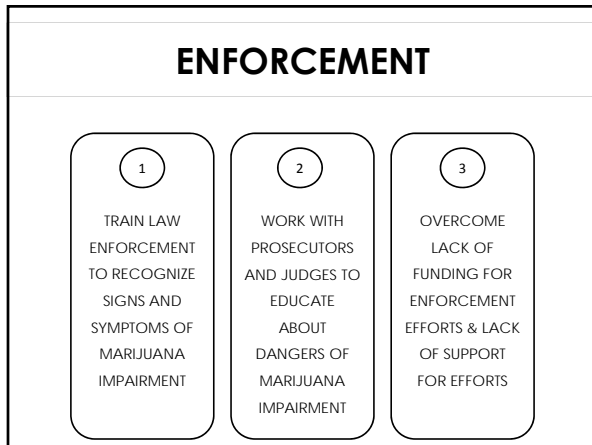
Today's MJ concentrates are routinely testing with anywhere from 30% THC up to 98% THC!

TRUTH: DUI ARRESTS ARE DOWN



SHOCKING: THIS HAS NOTHING TO DO WITH LEGALIZATION OF MARIJUANA!







MEDICAL MARIJUANA VS.
RECREATIONAL MARIJUANA




THANK YOU FOR LISTENING.

...MISERY LOVES COMPANY

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