



Driving High



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Driving While "High"

Preliminary Results from RTI's National Survey

Lauren Dutra

About the Sample

- Address-based, mail to web and social media sampling
- 6,775 adults (18 or over) with complete data
- 2,524 current cannabis users
- Four legal environments
 - Recreational cannabis
 - Liberal medical cannabis
 - Restrictive medical cannabis
 - No legal cannabis



Preliminary Findings: Driving "High" 100% 90% 80% 70% % driven high in past 3 hours 60% 50% 40% 30% 20% 10% 0% Recreational Medical (Liberal) Medical (Restrictive) Neither

Driving While "High"

- Nationally, 21% of current cannabis users reported driving "high" in the past 30 days
- Unadjusted differences by legal environment not significant
- However, results may change when adjusted for covariates



Poll Question #1





Jack Reed, MA

Statistical Analyst,
Office of Research and
Statistics

Colorado Division of Criminal Justice, Department of Public Safety

DUI and Marijuana in Colorado: What Do We Know? What Do We Need?

Jack K. Reed

Colorado Department of Public Safety Division of Criminal Justice Office of Research & Statistics

May 2018





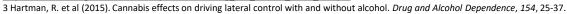






- Smoking marijuana can:
 - Reduce reaction time
 - Cause problems with road tracking and lane position variability
 - Decrease divided attention task performance
 - Impair cognitive performance
- National Highway Traffic Safety Administration showed a doubling of the crash risk for those who had recently used marijuana.²
 - BAC of 0.08 quadrupled the crash risk
 - BAC of 0.15 increased crash risk by 12 times (0.15 is the average BAC of a drunk driver in Colorado)
- Marijuana and alcohol used together have additive impairing effects³

² Compton, R. & Berning, A. (2015). *Drug and alcohol crash risk*. (Traffic Safety Facts Research Note). Washington, DC: National Highway Transportation Safety Administration. URL: https://www.nhtsa.gov/staticfiles/nti/pdf/812117-Drug and <a href="https://www.nhtsa.gov/staticfiles/nti/pdf/812117-Drug and <a href="https://www.nhtsa.gov





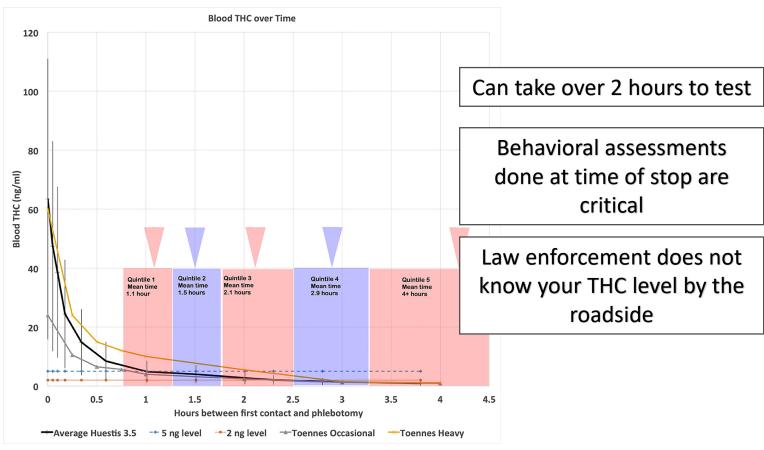
¹ Compton, R. (2017). Marijuana-impaired driving: A report to Congress. Washington, DC: National Highway Transportation Safety Administration. URL: https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812440-marijuana-impaired-driving-report-to-congress.pdf

Drug-Impaired Driving Detection

- Behavioral Determination
 - Standard Field Sobriety Testing (SFST)
 - Advanced Roadside Impaired Driving Enforcement (ARIDE)
 - Drug Recognition Experts (DRE)
- Toxicological Determination
 - Alcohol breath testing
 - Drug and alcohol blood testing
- Establishing levels for impairment
 - Delta 9 THC is primary psychoactive metabolite
 - Colorado established a 5 ng/ml in whole blood level as a "permissible inference" for impairment
 - Delta 9 THC levels degrade quickly



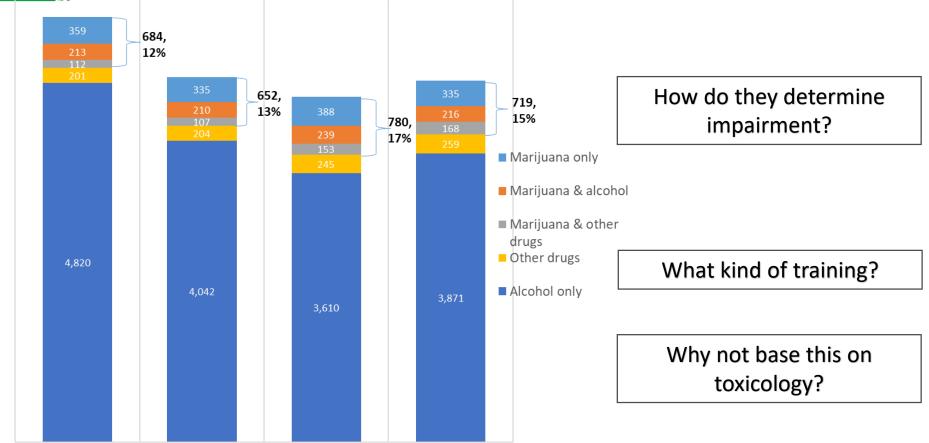






DUI Citations: C

DUI Citations: Colorado State Patrol



2014 (TOTAL=5,705) 2015 (TOTAL=4,898) 2016 (TOTAL=4,635) 2017 (N=4,849)

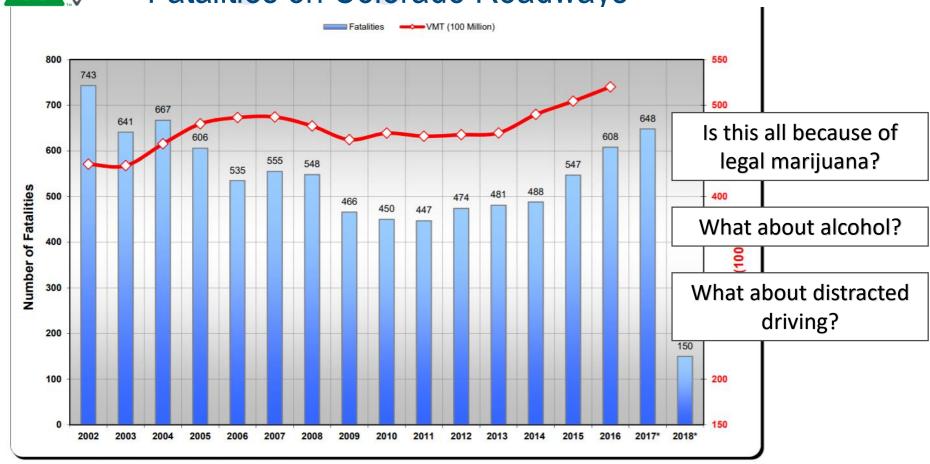


Source: Colorado State Patrol (2017).

Note: Drug impairment determination is based on trooper's informed perception and not toxicology results



Fatalities on Colorado Roadways

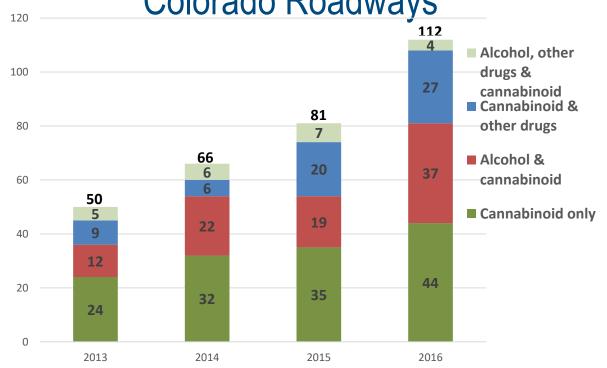


^{*} Note: Data is preliminary as of release of this Report Source of Data: Colorado DOT & "As Reported" to NHTSA by FARS



Fatalities with Cannal

Fatalities with Cannabinoid-Positive Drivers on Colorado Roadways



Are we testing more people?

Does this imply impairment?

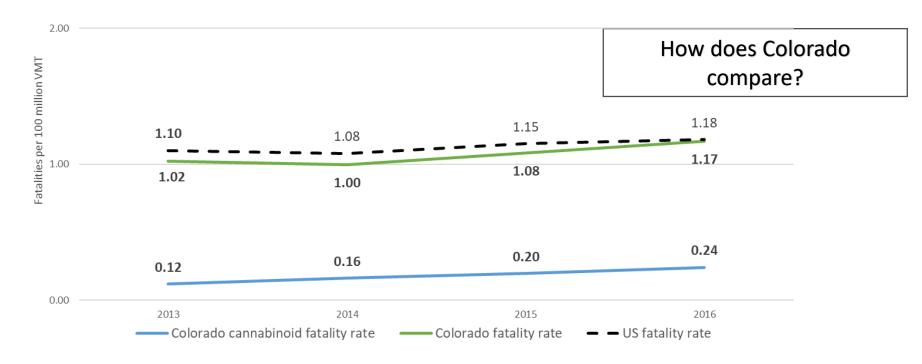
In 2016, 39% involve only a cannabinoid

How many with Delta 9 over 5 ng/ml? 51 fatalities → 8% of total

Note: A positive test for cannabinoids may be the result of active THC or one of its inactive metabolites and does not necessarily indicate impairment. Source: Data provided by Colorado Department of Transportation, 6/27/2017.



Fatality Rates on Colorado and US Roadways, 2013–2016

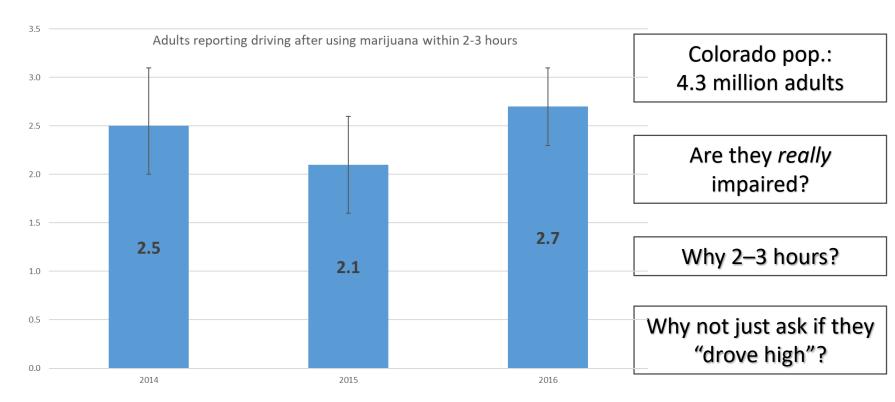


Note: A positive test for cannabinoids may be the result of active THC or one of its inactive metabolites and does not necessarily indicate impairment. Source: Data provided by Colorado Department of Transportation, 9/22/2017; National Highway Transportation Safety Administration, 2016 Quick Facts; 2015 Quick Facts..





How many people are using and driving?

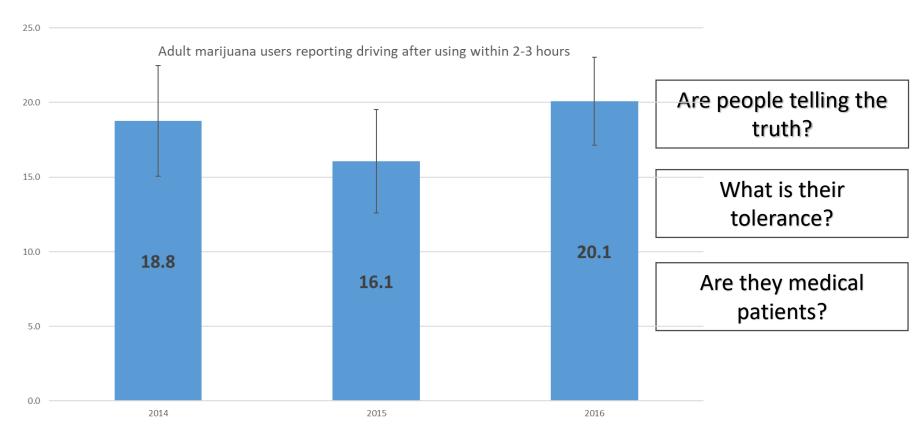


Note: Comparing across years, there were no statistical differences from 2014 to 2016. Source: Colorado Department of Public Health and Environment. Behavioral Risk Factor Surveillance System. URL: https://www.colorado.gov/pacific/cdphe/adult-marijuana-use-trends



How many user

How many users are driving after using?

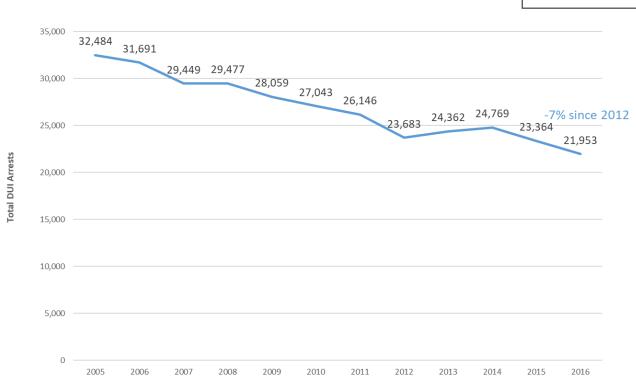


Note: Comparing across years, there were no statistical differences from 2014 to 2016. Source: Colorado Department of Public Health and Environment. Behavioral Risk Factor Surveillance System. URL: https://www.colorado.gov/pacific/cdphe/adult-marijuana-use-trends





Are DUIs skyrocketing?



Source: Colorado Bureau of Investigation, *Crime in Colorado*, Federal Bureau of Investigation, *Crime in the United State*; Colorado Department of Local Affairs, Office of Demography.

Prepared by Colorado Division of Criminal Justice, 7/29/2017.



Is Colorado working on this?

Toxicology

Blood tests ~12,300

Breath tests ~9,300

Refuse tests ???

Court Filings

It's been 4 years!



Pre-sentence assessment

Probation Department ~22,000





Contact:

Jack Reed

Colorado Department of Public Safety

Jack.reed@state.co.us





Poll Question #2



Darrin T. Grondel, EdD

Director,

Washington Traffic Safety Commission



DRIVING HIGH – WASHINGTON PERSPECTIVE



Darrin T. Grondel
Director
Washington Traffic Safety Commission
May 1, 2018
Webinar

Disclaimer – presentation is for historical and instructional purposes and is not intended to be pro or con on the issues.



Collaboration and Research Are Essential



NHTSA National roadside survey: ~1–4 drivers tested positive for drugs 22.4% daytime weekday drivers and 22.5% weekend night time drivers (20% increase from 2007).

Percentage of drivers with marijuana in their system increased 50% (8.6% in 2007 to 12.6% in 2013–2014).



Considerations Considerations



- Creation of an Impaired Driving Task Force or Working Group comprised of various disciplines and expertise.
 - Develop baseline data (if possible) with current data available
 - Crash—arrest data, public perceptions/attitudes on driving, healthy youth surveys, and so on.

Assess

- Current DUI and DUID laws—definitions, laws, gap analysis
- Medical and Recreational—What is truly medical? What conditions? What is the dosage? How managed? Who regulates?
- Judicial—Review current laws, sanctions, and training—comparison with legalized states and countries

Driving High Considerations

- Officers need to consider the totality of the circumstances and not get locked in just looking for cannabis—see the whole picture
- Develop and implement an educational campaign with materials in multiple languages and relevant to various cultures
- Evaluate data collection (e.g., traffic crash data, toxicology, poison control, hospital)
 - What information is collected? How is it collected? Who has access for analysis?
- Creation of a regulatory agency
 - Full enforcement authority
 - Track from seed to sale
 - Packaging requirements with THC level, not attractive to children
 - Rules and regulations





Considerations Considerations



- Seek dedicated funding from revenues marijuana taxes for education and enforcement
- What Driving Under the Influence of Drugs (DUID) laws will be considered?:
 - Zero Tolerance—Illegal to drive with any amount of specified drugs in the body
 - Per se: Illegal to drive with amounts of specified drugs in the body exceeding set limits (e.g., 5 ng)
 Delta 9 THC or carboxy
- Law Enforcement—SFSTS, ARIDE, DRE
 - How is DRE viewed for impaired driving? Is this a priority for prosecutors for DUI cases? ARIDE
- Training programs for law enforcement, prosecutors, judges
- Electronic search warrants: https://www.responsibility.org/end-impaired-driving/initiatives/e-warrants/
- Drugged driving is not just a <u>nighttime</u> or <u>weekend</u> issue but is prevalent day and night
 - Emphasis patrol times, media messaging, officer perspective for daytime crashes



Driven Berations Considerations

Girl Scout
Cookies

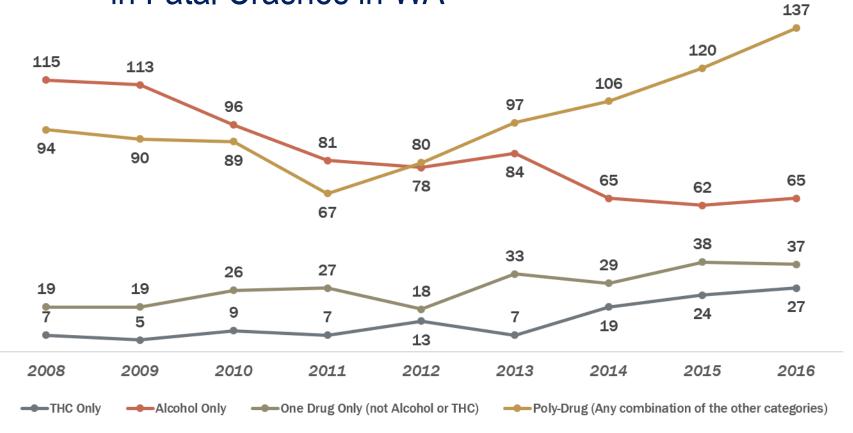
Description

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- Chemical Evidence—oral swabs, blood, or urine
 - Phlebotomy for law enforcement officers—paradigm shift
- Toxicology evidence collection and analysis—How will it be collected? What drugs are collected?
 Screening levels, sensitivity, or tolerances consistent across jurisdictions? How will it be used? Reported?
- Do all fatally injured drivers have a toxicology examination?
- Do all surviving drivers get assessed on-scene by a DRE or if transported? Even if no alcohol is present or detected?
- Green labs similar to "Wet Labs"—provide realistic training and experience for officers to conduct SFST and to better screen the occasional or chronic user
- Commercial Vehicle Carriers—international travel/provincial
 - Safety Manager training for drug and alcohol recognition
 - Drug testing—the FMCSA has noted the highest drug failure rate in 7 years



Rising Frequency of Poly-Drug Drivers in Fatal Crashes in WA





Marijuana and Alcohol Use in Washington State Report

- Among all drivers involved in fatal crashes 2008–2016, **one in three** were positive for alcohol and/or drugs. This number is likely under-reported because not all drivers in fatal crashes are actually tested for alcohol and drugs (60 percent of fatal crashes involved drivers who were tested for alcohol and drugs 2008–2016).
- Among drivers in fatal crashes 2008–2016 that tested positive for alcohol or drugs, **44 percent** tested positive for two or more substances (poly-drug drivers). The most common substance in poly-drug drivers is alcohol, followed by **THC**. Alcohol and THC combined are the most common poly-drug combination.
- For the first time in 2012, poly-drug drivers became the most prevalent type of impaired drivers involved in fatal crashes. Since 2012, the number of poly-drug drivers involved in fatal crashes has increased an average of 15 percent every year.

Signs and Symptoms of Marijuana

- Relaxation
- Euphoria
- Relaxed inhibitions
- Disorientation
- Altered time and distance perception
- Lack of concentration
- Impaired memory and comprehension
- Jumbled thought formation
- Drowsiness

- Mood changes, including panic and paranoia with high doses
- Heightened senses
- Body tremors (Major muscle groups: quads, glutes, and abs)
- Eyelid tremors
- Red, bloodshot eyes
- Possible GVM or green coating on tongue
- Dilated pupils



DUI Detection and SFST



- DUI Detection and Standardized Field Sobriety Test (SFST)
 - Provides an officer with methods to detect an impaired driver and describe the associated signs and symptoms of impairment. Tests an officer's ability to properly administer roadside sobriety tests (horizontal gaze nystagmus, walk and turn, and one leg stand) and identify the associated clues.
 - This course does not grant a certification but must be successfully completed through written and practical testing.
 - 24 hours (3 days)
 - Prerequisites:
 - Valid breath test operator permit
 - Free
- DUI Detection and Standardized Field Sobriety Test (SFST) Refresher
 - Recommended to attend on a 3-year cycle
 - 4 hours
 - Prerequisites:
 - Valid breath test operator permit
 - DUI Detection and Standardized Field Sobriety Test (SFST)
 - Free





Advanced Roadside Impaired Driving Enforcement

- Intended to bridge the gap between SFST and DRE training by providing officers with general knowledge related to drug impairment and by promoting the use of DREs. One of the more significant aspects of ARIDE is its review and required student demonstration of the SFST proficiency requirements. This course will train law enforcement officers to observe, identify, and articulate the signs of impairment related to drugs, alcohol, or a combination of both.
- 16 hours (2 days)
- Prerequisites:
 - DUI Detection and SFST
 - Valid breath test operator permit
- Free
- Online ARIDE





Drug Recognition Expert

- Training to recognize impairment in drivers under the influence of drugs other than, or in addition to, alcohol. DREs utilize a 12-step evaluation process in order to render an opinion of impairment by one or more of the seven drug categories.
- 80 hours classroom
- 40 hours of field certifications
 - Hands-on supervised evaluation of individuals under the influence of drugs.
- 1 day for a final knowledge exam
- Prerequisites:
 - DUI Detection and SFST
 - Valid breath test operator permit
- Free





Roadside Strategies





- Electronic DUI packet
- Electronic search warrants
- Forensic phlebotomy
 - Lakewood PD/Pierce County

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|--|---|--|--|---|--|---|--|--|--|--|
| | | | | | Пм | ΠE | | | | |
| TREET ADDRESS | | | | _ | CITY / STATE | 2P CODE | | | _ | |
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| | ICH | ECK (F YES) | | | | | | | | |
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USE THIS PAGE AS COVER SHEET

| STATE OF WASHINGTON, NO. | |
|--------------------------|--|
| | RCH WARRANT FOR EVIDENCE O IME, TO WIT: |
| Defendant. | VEHICULAR HOMICIDE, RCW 46.61.520 VEHICULAR ASSAULT, RCW 46.61.522 DRIVING WHILE UNDER THE INFLUENCE, RCW 46.61.502 DRIVER UNDER TWENTY-ONE CONSUMING ALCOHOL OR MARIJUANA, RCW 46.61.503 PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE, RCW 46.61.504 |

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

WHEREAS, upon the sworn complaint heretofore made and filed and/or the testimonial evidence given in the above-entitled Court and incorporated herein by this reference, it appears to the undersigned Judge of the above-entitled Court that there is probable cause to believe that, evidence of intoxicating liquor, marijuana, or any drug as defined by RCW 46.61.540, in violation of the laws of the State of Washington, evidence of the crime(s) of:

| | | 0 | |
|-------|------------------------|--------|--|
| Vehic | ular Homicide, RCW 46. | 61.520 | |
| | Reckless Manner | | Under the Influence of Liquor or Drugs |
| | D: 16 1 0 6 | | |





3000-110-196 (# 12/15)

Page 1

Law Enforcement Phlebotomy: A New Tool That Brings Challenges (and Benefits) for Prosecutors

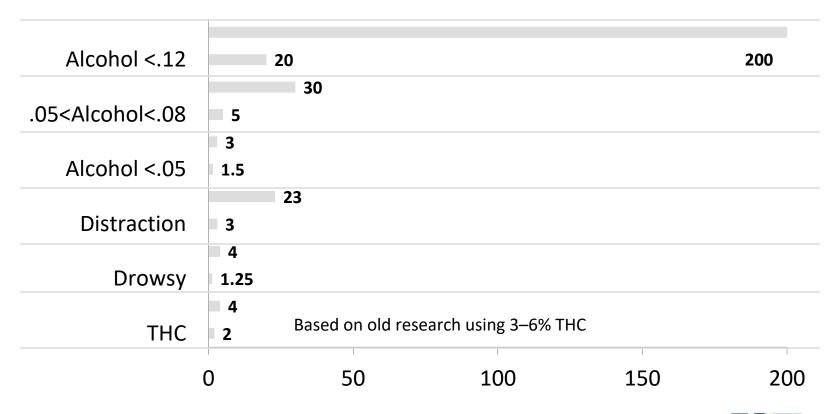
- Speeds up evidence collection in the field
- Eliminates need to go to the hospital for a blood draw
- Removes the potential for hospital staff being unwilling to assist law enforcement with a legal blood draw





Does Marijuana Use Increase Crash Risk?





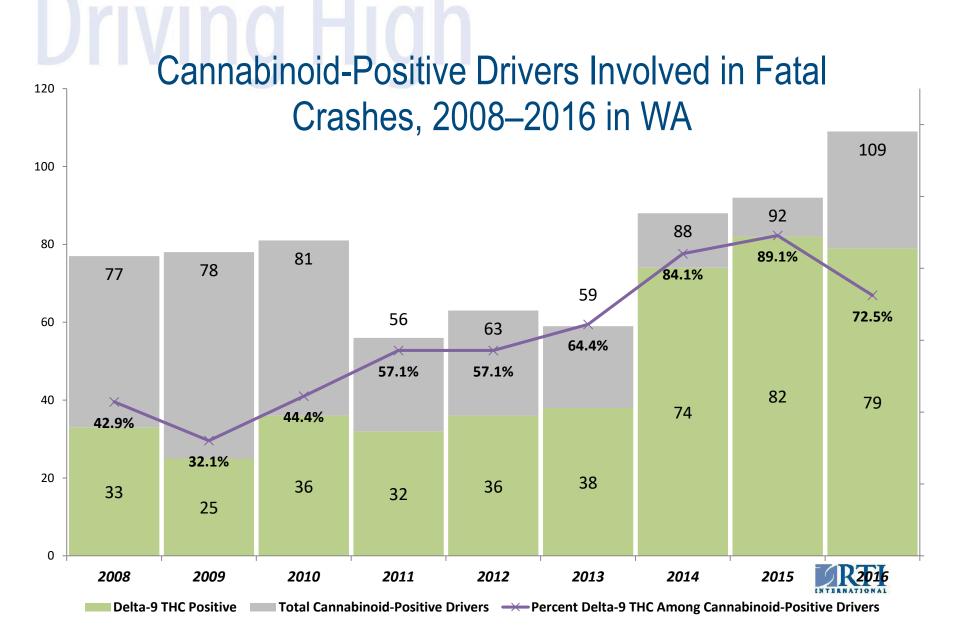


Most Cannabinoid-Positive Drivers Also Tested Positive for Drugs/Alcohol

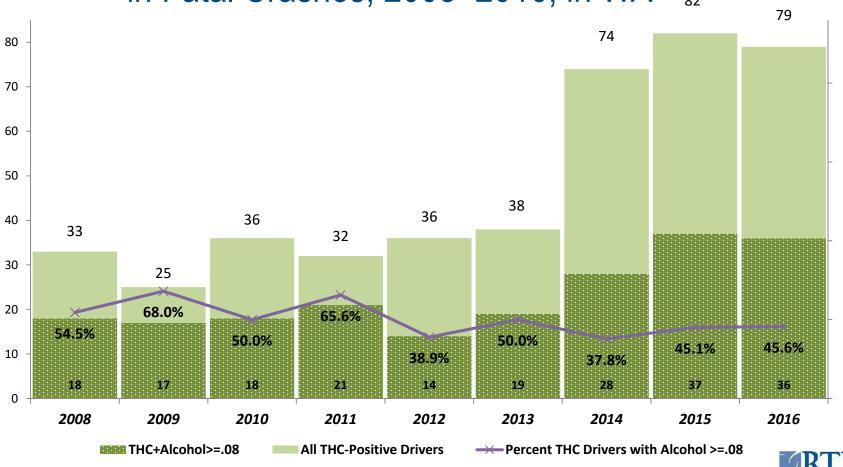
| TEST STATUS | Driver Category 1 | Sample | Driver Category 2 | Sample | Driver Category 3 | Sample |
|--|--------------------------------|--------|-------------------------------|-----------------------|-------------------------------|--------|
| Not Tested | Not Tested | 2,360 | Not Tested | 2,360 | Not Tested | 2,360 |
| Tested - Negative | No Drugs, No Alcohol | 1,288 | No Drugs, No Alcohol | 1,288 | No Drugs, No Alcohol | 1,288 |
| | Alcohol Only | 671 | Alcohol Only <.079 | 96 | Alcohol Only <.079 | 96 |
| | | | Alcohol Only >.08 | 575 | Alcohol Only ≥.08 | 575 |
| | | | THC Only | 118 | THC Only | 118 |
| | Cannabinoids Only | 188 | Carboxy-THC Only | 70 | Carboxy-THC Only | 70 |
| Canna | | | T10 11 1 | | THC + Alcohol <.079 | 25 |
| | Cannabinoids + Alcohol Only | 275 | THC + Alcohol | 187 | THC + Alcohol ≥.08 | 162 |
| Tested – Positive (2,073) | | | Carboxy-THC + Alcohol | 88 | Carboxy-THC + Alcohol | 88 |
| Excluding Alcohol Test Only (179), | | | | 66 THC + Drugs + Alco | THC + Drugs + Alcohol <.079 | 14 |
| Drug Test Only (7), Tested with Unknown Results (3) | cannabinoids + Drugs + Alcohol | 103 | THC + Drugs + Alcohol | | THC + Drugs + Alcohol ≥.08 | 52 |
| | | | Carboxy-THC + Drugs + Alcohol | | Carboxy-THC + Drugs + Alcohol | 37 |
| | | | THC + Drugs | 76 | THC + Drugs | 76 |
| | Cannabinoids + Drugs Only | 132 | | Carboxy-THC + Drugs | 56 | |
| | Other Drugs Only | 502 | Other Drugs Only | 502 | Other Drugs Only | 502 |
| | Other Drugs + Alcohol Only | 202 | Other Drugs + Alcohol Only | 202 | Other Drugs + Alcohol Only | 202 |
| Total Driver Sample, 2008-2016 | | | | | | 5,910 |

WA Drug Testing Among Drivers Involved in Fatal Crashes, 2008–2016



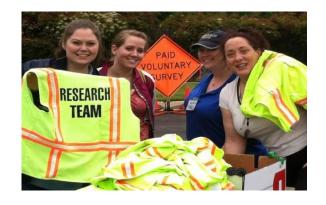


THC-Positive+Alcohol>=.08 Drivers Involved in Fatal Crashes, 2008–2016, in WA 82



PIRE Roadside Survey Pacific Institute for Research and 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 2014 Data Collection

- Six counties, five locations
- 926 drivers eligible
- 97% (917) breath tests
- 96% (902) saliva
- 74% (711) blood
- 95% K&A surveys

Male drivers age 20–34 over-represented:

- * 21% population
- * 45% survey sample







Have you ever, even once, used marijuana?

| 69% yes | T= 615 | |
|---------|--------|--------------------|
| 31% no | T= 273 | T= 888 respondents |



Those who said they used marijuana in the last year were also asked: "Have you used marijuana within 2 hours of driving?"

| 44% yes | T= 97 | |
|---------|---------|-----------------------|
| 56% no | T = 123 | T =220 respondents |



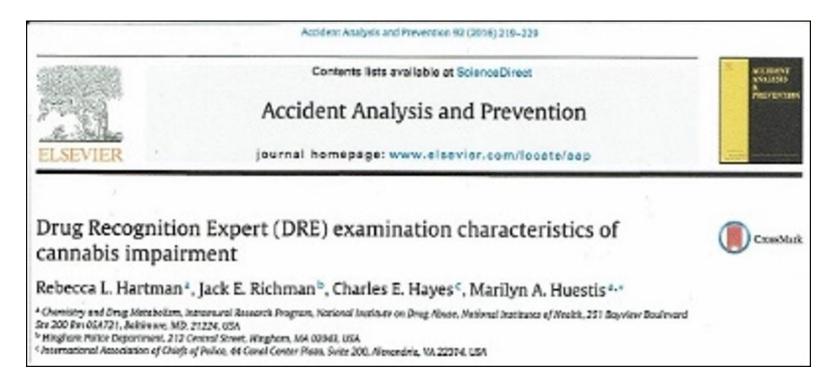


The drivers who said they'd used marijuana within 2 hours of driving were also asked: When you used marijuana and drove, how do you think it affected your driving?

| | Percentage of drivers: | Total number: | |
|--|------------------------|------------------|--------------|
| Did not make any difference in my driving: | 62% | 60 | |
| Made me a better driver: | 25% | 24 | T = 84 (87%) |
| I don't know: | 10% | 10 | |
| Made my driving worse: | 3% | 3 | |

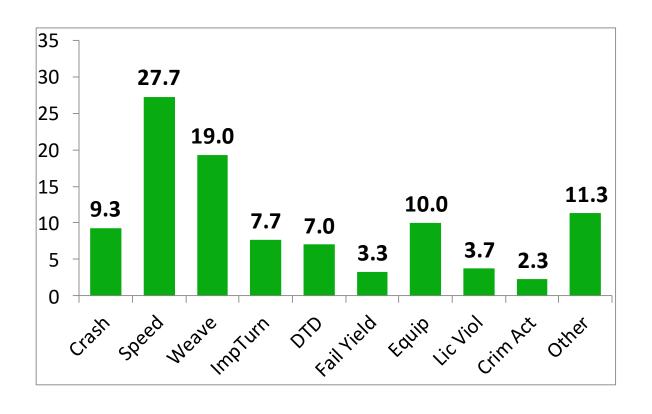


"Drug Recognition Expert (DRE) Examination Characteristics of Cannabis Impairment" Accident Analysis and Prevention, April 2016





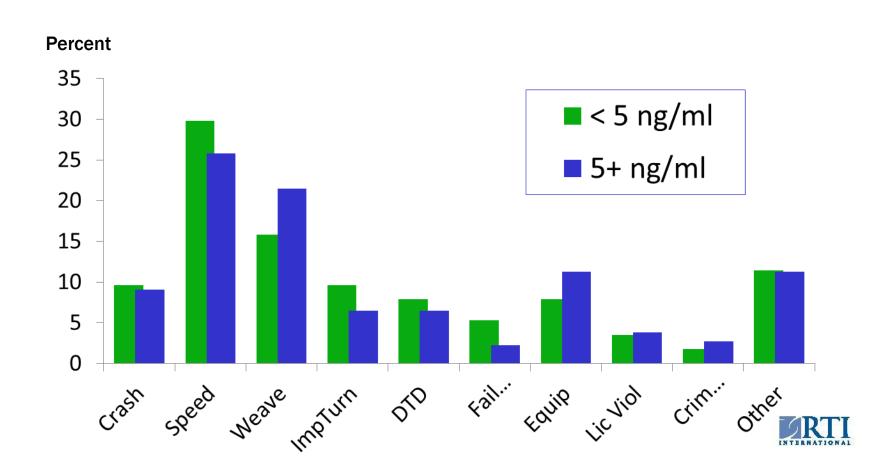
Reason for Traffic Stop



72% of cases involved one or more moving violations. (DTD—Disobeyed Traffic Device)



Reason for Traffic Stop



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 2 hours of driving?"

| | Percentage: | Number of Respondents: | T= 877 |
|--------------------|-------------|------------------------|-----------------|
| Very likely | 47% | 409 | |
| Likely | 19% | 162 | |
| Somewhat likely | 22% | 197 | T= 768 (88%) |
| Not at all likely | 12% | 109 | |









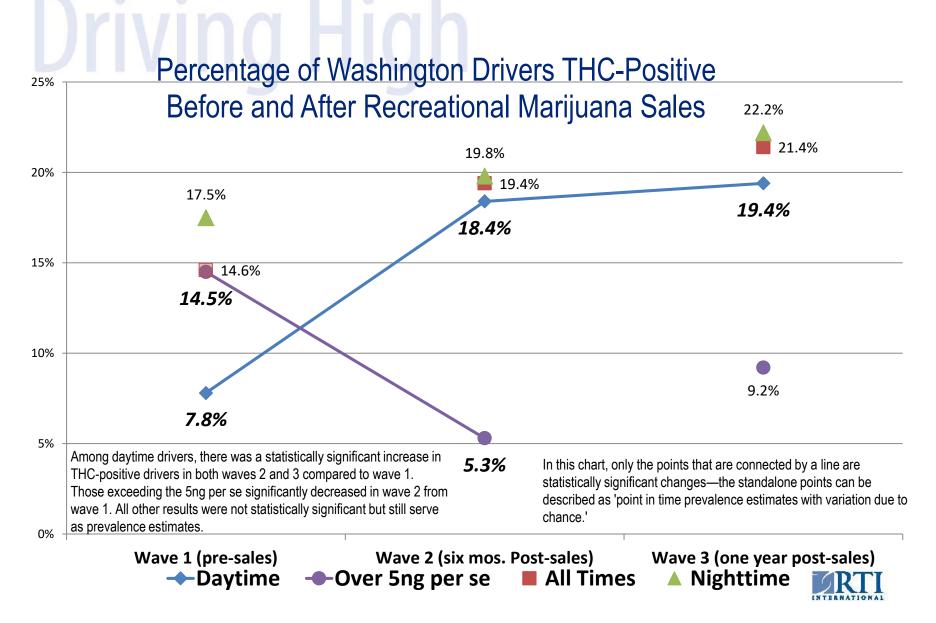
Driving High

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 2 hours of driving?

| | Percentage: | Number of Respondents: | T= 881 |
|-------------------|-------------|------------------------|--------------|
| Very likely | 41% | 360 | |
| Likely | 23% | 204 | |
| Somewhat likely | 25% | 219 | T= 783 (89%) |
| Not at all likely | 11% | 98 | |





Campaign Messages Used in Washington About Young Drivers and Drugged Driving

Listen To Your Selfie—Remember What's Important, Forget Marijuana http://listen2yourselfie.org/

Start Talking Now

http://www.starttalkingnow.org/

Dr. Leslie Walker—Adolescent Substance Abuse https://www.youtube.com/watch?v=hhVDf8MEiDA







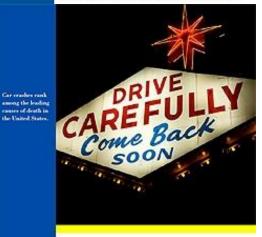
Prevalence of Marijuana Involvement in Fatal Crashes: Washington, 2010-2014

May 201



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Driving Under the Influence of Alcohol and Marijuana: Beliefs and Behaviors, United States, 2013-2015

May 2016



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An Evaluation of Data from Drivers Arrested for Driving Under the Influence in Relation to Per se Limits for Cannabis



May 2016







http://ghsa.org/html/publications/2 015drugged.html



Cannabis Use among Drivers
Suspected of Driving Under the
Influence or Involved in Collisions:
Analysis of Washington State Patrol Data

May 201



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Driving High

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Poll Question #3



Driving High Questions



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