

The “APOTcalypse”

Identifying Cannabis Impaired
Drivers in a Changing Culture

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Objectives

Changing the cannabis narrative

Knowing your DUI cannabis statute – what has to be proven?

Spotting indicators of cannabis impairment

Understanding some fundamental differences between cannabis and alcohol

Using SFSTs for cannabis DUIs

Knowing what training programs can assist your officers



DETAILS MATTER! WORDS MATTER!

- Be careful WHAT you say (what NOT to say)!
- Be careful HOW you say it!
- Say it OFTEN!

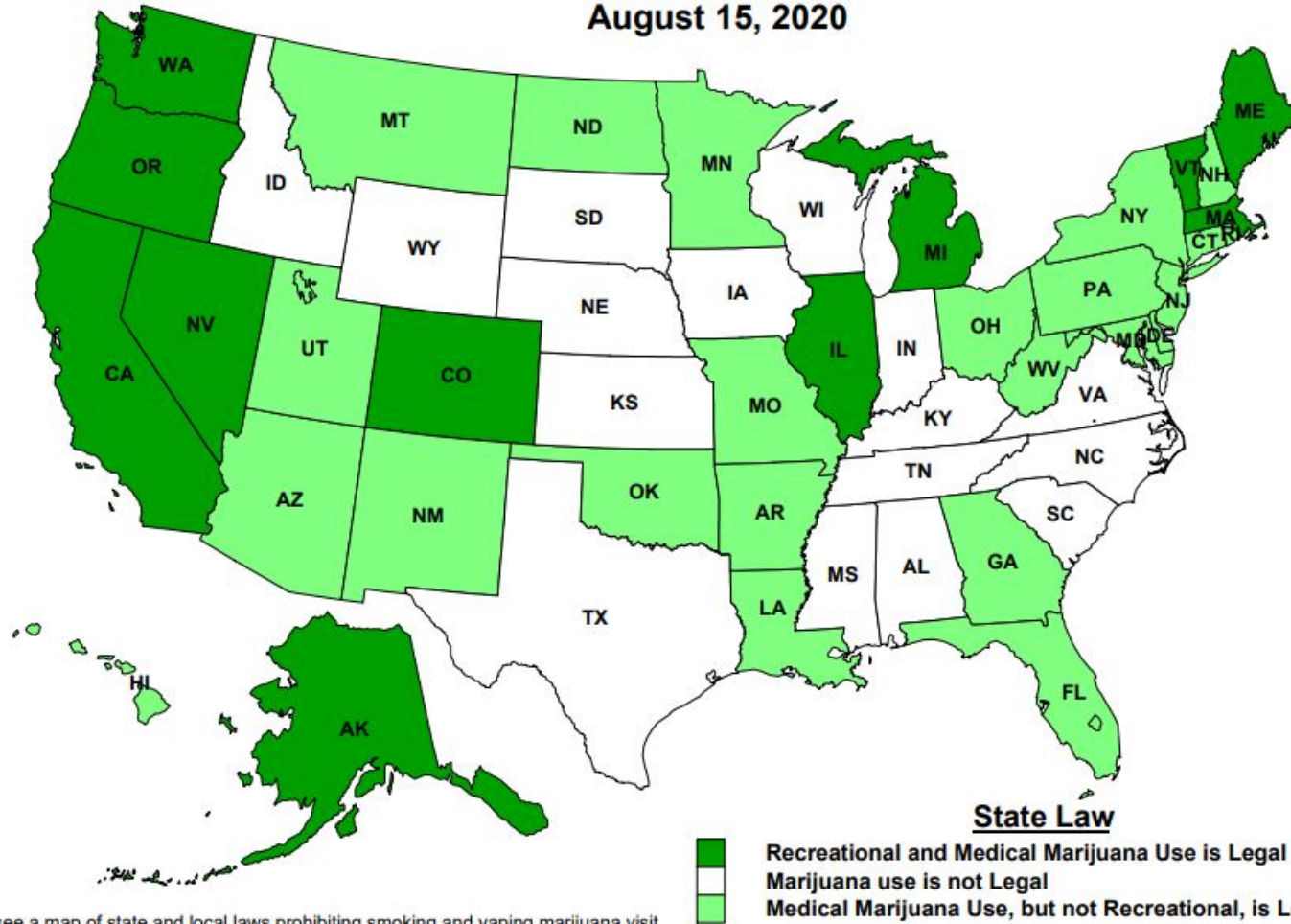


Legalized vs Commercialized

Still illegal
federally

Still illegal in
many states

States with Legalized Marijuana
American Nonsmokers' Rights Foundation
August 15, 2020



To see a map of state and local laws prohibiting smoking and vaping marijuana, visit <https://no-smoke.org/wp-content/uploads/pdf/marijuana-smokefree-laws-map.pdf>

Note: In total, medical marijuana use is legal in 34 states.



- Because it's all about the **MONEY!**

Why should we say
“Commercialized?”

“Recreational” vs “Adult Use”



being
responsible



“Recreational”

- Harmless
- Vacation
- Fun
- Anyone can join in
- No Consequences



- Responsible
- Lawful
- Age Requirement

“Adult Use”



Public Safety Issues – Impaired Driving

- **Marijuana is the most prevalent illegal drug detected in impaired drivers, fatally injured drivers, and motor vehicle crash victims.**

National Highway Traffic Safety Administration. Drug Involvement of Fatally Injured Drivers. U.S. Department of Transportation Report No. DOT HS 811 415. Washington, DC: National Highway Traffic Safety Administration, 2010.

The elements of 501(a)(7) Illinois law

- The person has WITHIN 2 HOURS OF DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL a THC concentration in their blood or other bodily substance as defined in 501.2(a)(6).

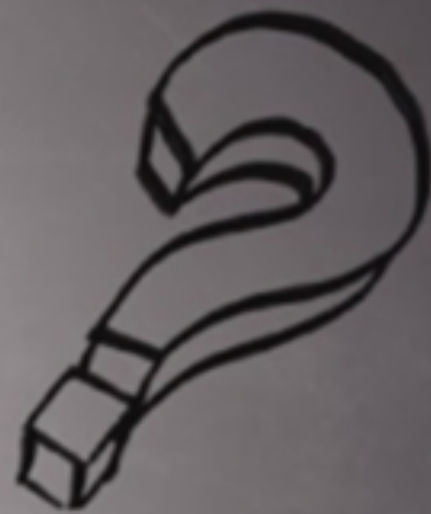
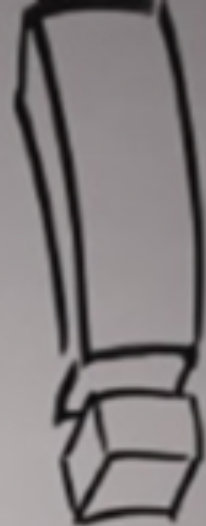


Illinois' per se law

5 ng or more of
delta-9 THC in a
person's whole
blood or

10 ng or more of
delta-9 THC in
other bodily
substance.

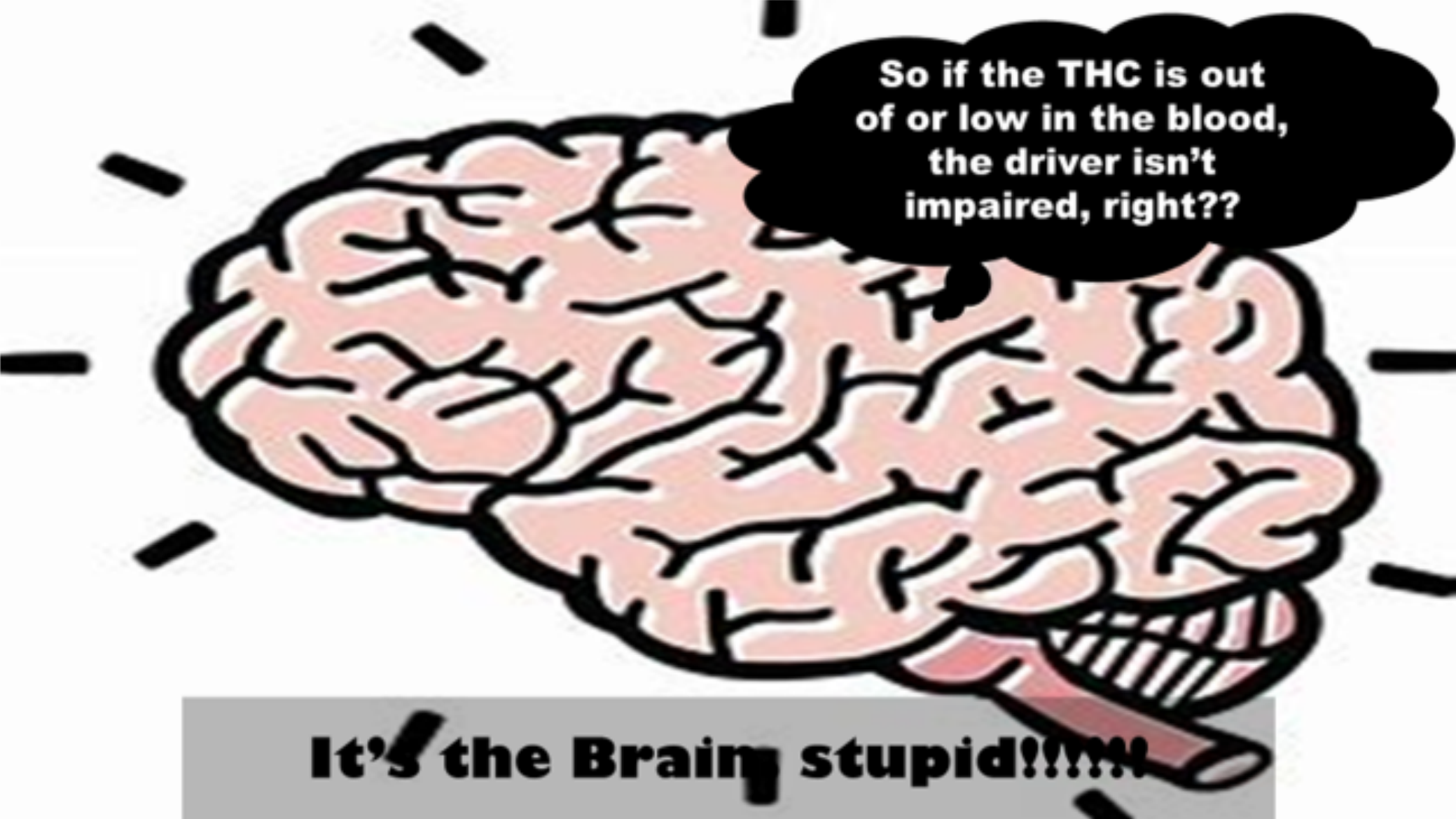
**IS 5 ng
THE “.08”
EQUIVALENT
FOR
MARIJUANA?**



**BIGGEST
MISCONCEPTION**



**There has to be
THC in the blood
for the user to be
impaired by
marijuana**



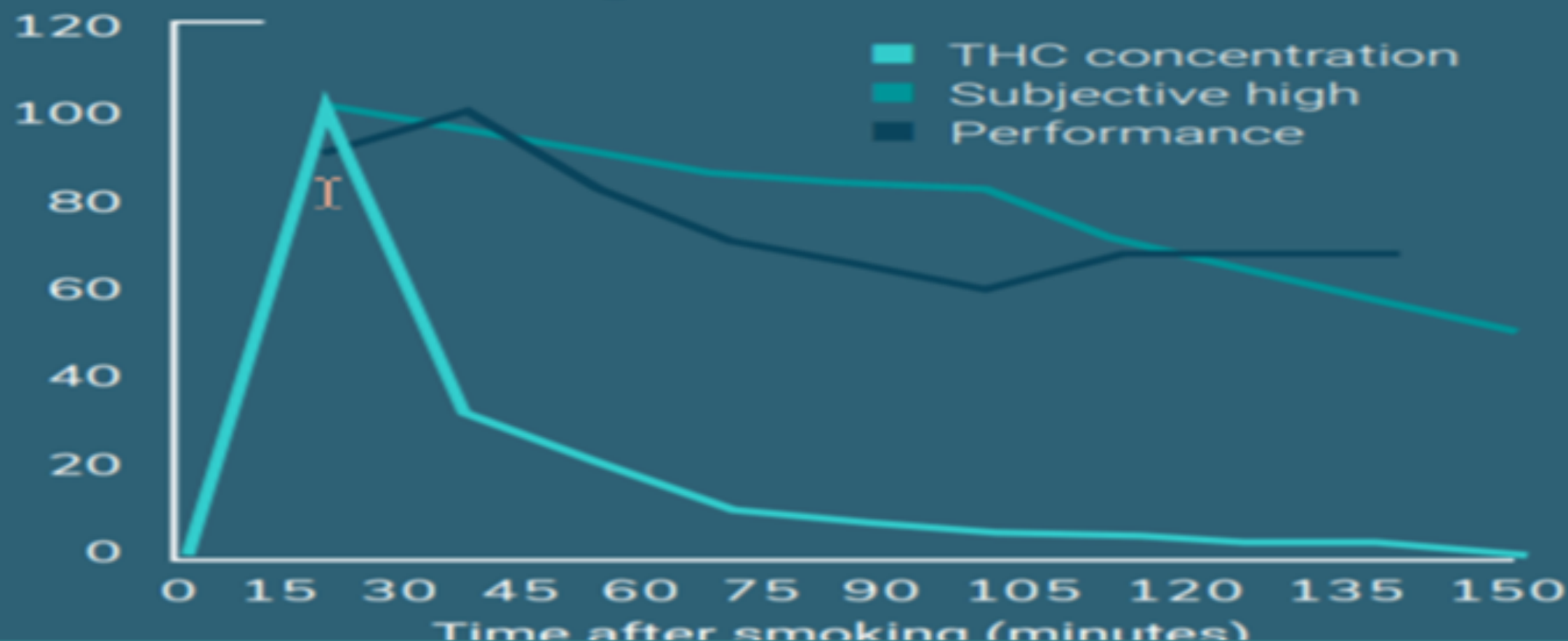
So if the THC is out
of or low in the blood,
the driver isn't
impaired, right??

It's the Brain, stupid!!!!!!

Marijuana (THC) Concentration, Subjective High, and Impairment Over Time After Smoking



THC concentration, ng/mL





Officers/Prosecutors:
Are you wearing
beer goggles?

Created By: Jennifer Cifaldi, ILTSRP

Created by Jennifer Cifaldi (ILTSRP)



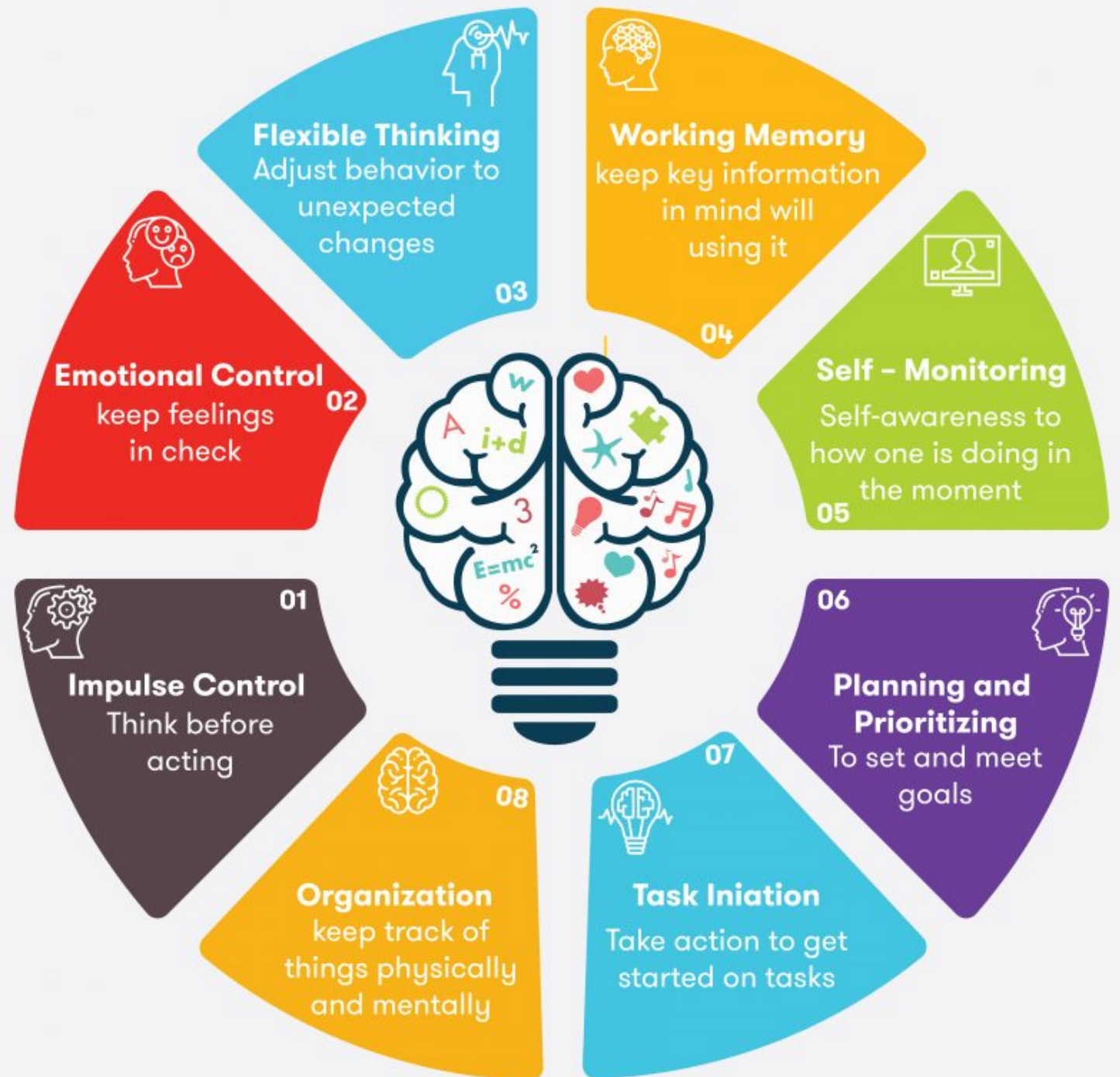
Marijuana isn't a simple "check these boxes, have this number" type of DUI case. You have to dig a little deeper, think critically, use your experts.

How do we prove impairment or “incapable of safely driving?”

- SFSTs? ABSOLUTELY!
- IL law: “The General Assembly finds that standardized field sobriety tests approved by the National Highway Traffic Safety Administration are divided attention tasks that are intended to determine if a person is under the influence of cannabis. The purpose of these tests is to determine the effect of the use of cannabis on a person's capacity to think and act with ordinary care and therefore operate a motor vehicle safely.”

Cannabis vs Alcohol

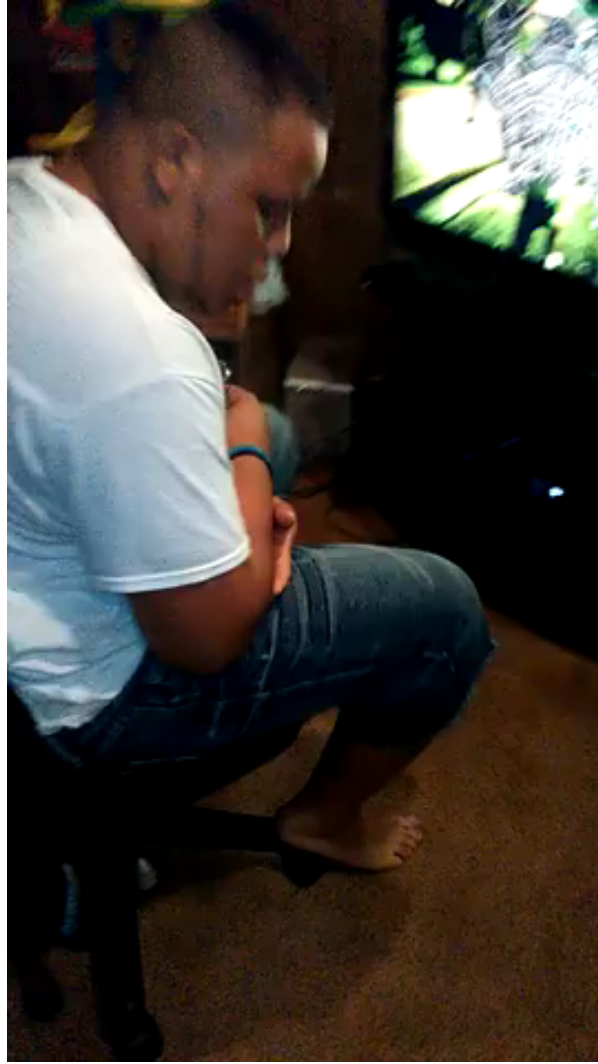
- More mind-altering
- Less obvious physical effects (remove your alcohol goggles!)
- Executive function deficits



Effects of Cannabis

- Relaxed inhibitions
- Euphoria
- Disoriented
- Altered time/ distance perception
- Lack of concentration
- Impaired memory
- Alterations in thought process
- Drowsiness
- Sedation
- Mood changes





Other Characteristic Indicators

- Odor of Marijuana
- Marijuana debris in the mouth
- Possible green coating on the tongue
- Reddening of the eyes



Reasonable Suspicion for the Stop

- Speeding (#1 reason for stops in Colorado)
- Following too closely
- Failing to Reduce Speed to Avoid a Crash (altered time/distance perception)
- Driving Without Headlights



Common Indicators for Cannabis



is it nicotine or marijuana?



What about the non-
ARIDE/DRE officer?

- Back to basics
- Alphabet
- Counting



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Field Sobriety Tests – Psychophysical Tests

- These tests do NOT know the difference between alcohol and other drugs
- Used to determine impairment regardless of what is causing it.

SFSTs are NOT Driving Tests – they are Divided Attention Tests

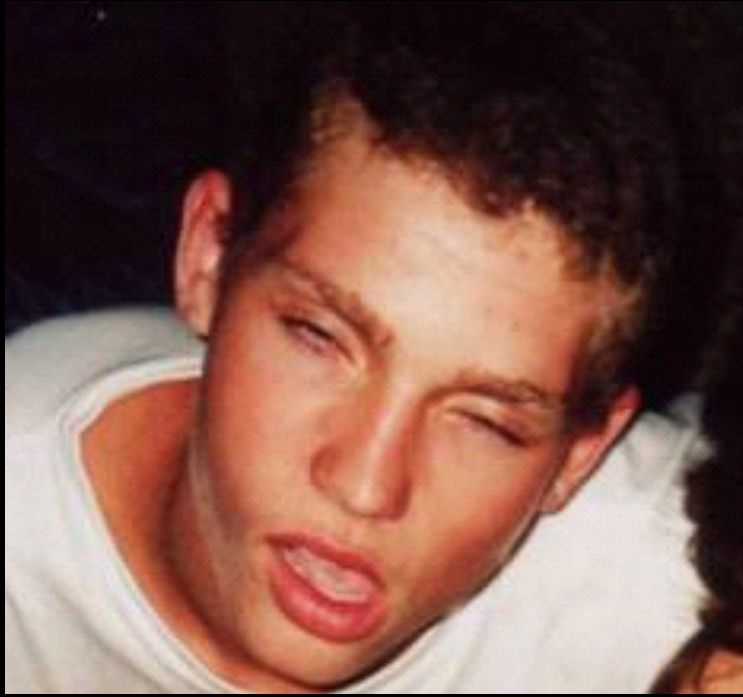
- Listen to Instructions
- Remember Instructions
- Follow Instructions
- Maintain Attention to the Task at Hand
- Physically Perform the Task
- Perform More than One Activity at Once
- NOT SENSITIVE TO ALCOHOL ONLY!



DIVIDED ATTENTION

Created by: Jennifer Chaidi, TE TSM





Paint a MASTERPIECE

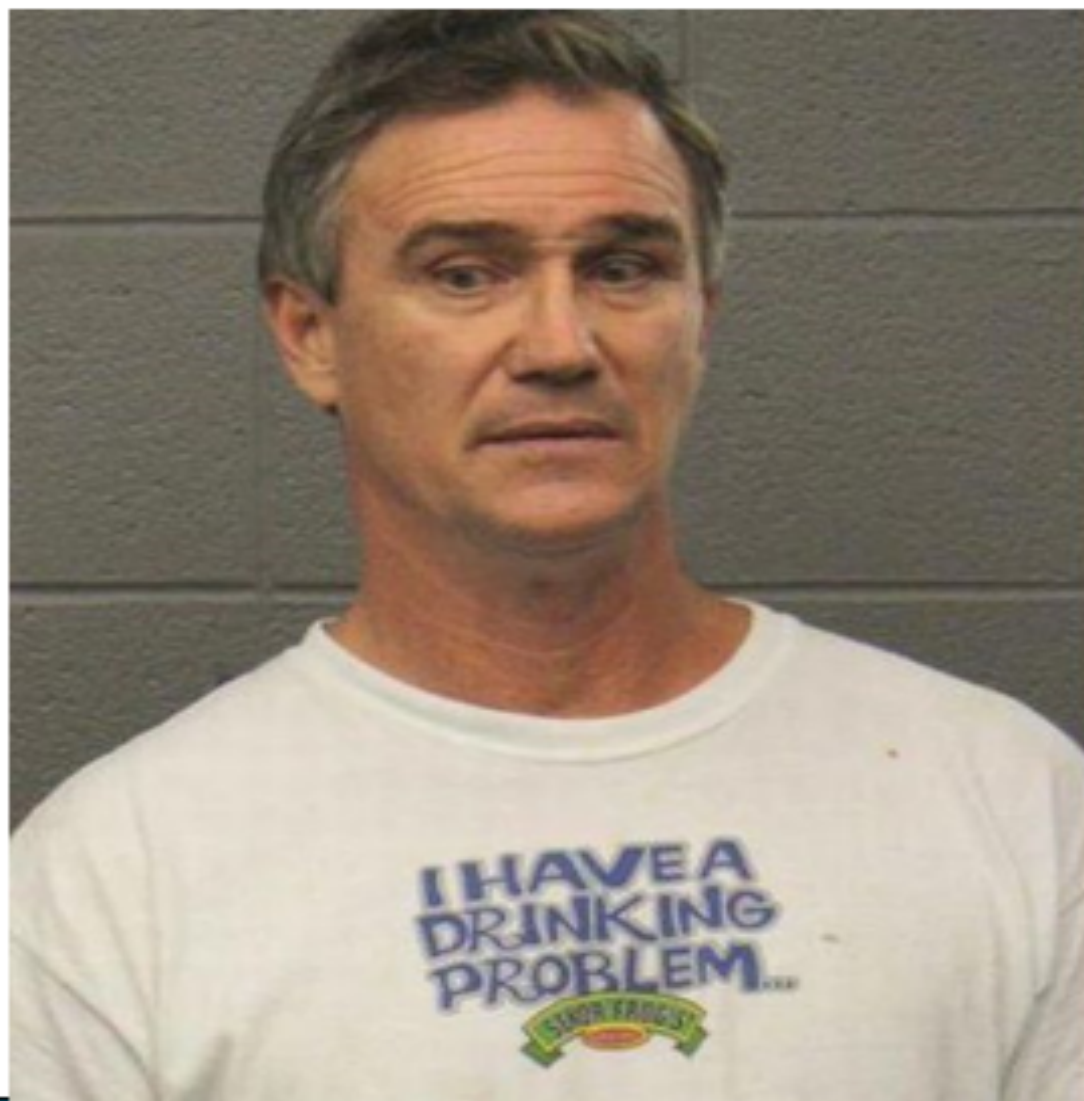


The problem is...



What does a drugged driver look like?

Why can't it be this easy?

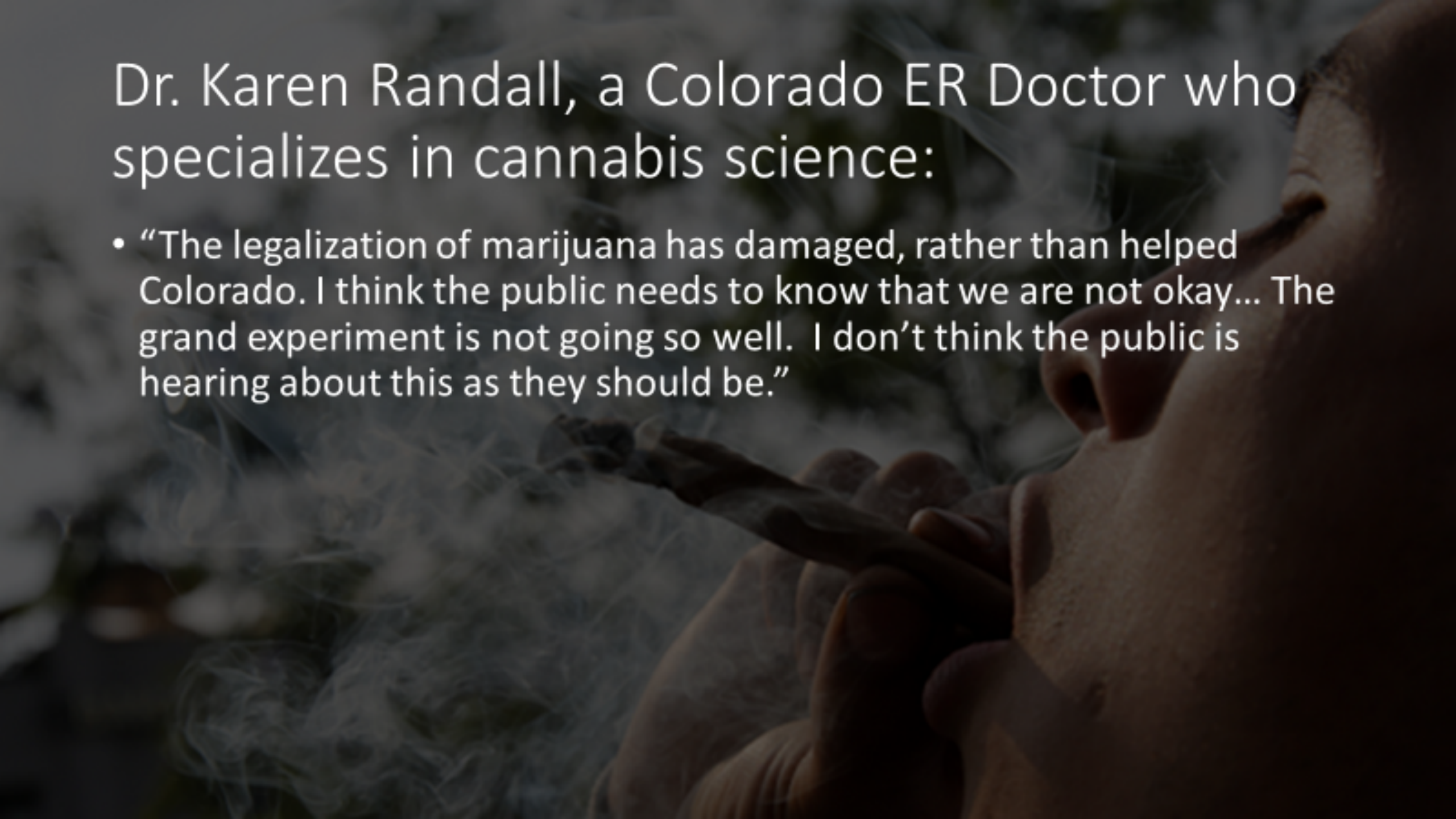


One more





Created By: Jennifer Cifaldi, IL TSRP

A close-up, low-angle shot of a person's face, focusing on the mouth and nose. The person is holding a lit cigarette in their mouth, and a plume of white smoke is rising from the tip of the cigarette. The background is dark and out of focus, showing some greenery. The overall tone is somber and contemplative.

Dr. Karen Randall, a Colorado ER Doctor who specializes in cannabis science:

- “The legalization of marijuana has damaged, rather than helped Colorado. I think the public needs to know that we are not okay... The grand experiment is not going so well. I don’t think the public is hearing about this as they should be.”

MESSAGE RECEIVED!



Marijuana has its own holiday!!



A person wearing a white dress shirt and a dark tie is holding a large, light-colored rectangular sign in front of their face. The sign features three large, bold, black question marks. The background is a textured blue wall. The person's hands are visible at the edges of the sign.

???

QUESTIONS?

UNIVERSITY OF ILLINOIS
AT SPRINGFIELD

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SCAN ME