Drug-Impaired Driving: Challenges for Law Enforcement

Drug-Impaired Driving

LEGEND:

Drug and alcohol, percentage of fatally-injured drivers, known test results

Source: NHTSA Traffic Safety Facts

- 2015 Fatality Analysis Report
- 2016 Fatality Analysis Report
- 2014 Fatality Analysis Report
- 2017 Fatality Analysis Report

% drug & alcohol known test result

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Passed Out on Heroin, Ohio Police Post Pics
Boy, 4, Found in SUV With Adults Who Allegedly

Traditional impaired driving enforcement

• DUI is the ONLY crime where the investigation stops after obtaining a minimum amount of evidence.

• Current protocols prevent drug testing once a suspect registers an illegal BAC.

Implications:

» Hinders the ability to measure the true magnitude of the drug-impaired driving problem.

» Many DUI arrests are inaccurately attributed to alcohol alone.

Problem:

Drug testing once a suspect registers an illegal BAC.

Current protocols prevent obtaining a minimum amount of evidence.

DUI is the ONLY crime where enforcement

Challenge of polysubstance use
Why does it matter?

- If we fail to identify polysubstance-impaired drivers, they are unlikely to be sentenced, supervised, or treated appropriately.
- It is not surprising that they come back into the system multiple times.
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Law Enforcement Training
Officers need more tools

- Warrants take time.
- Drugs metabolize quickly.
- Increreasingly common.
- Driving is becoming impaired.
- Polysubstance impaired
- Limited.
- Availability of DREs is
- Specialized training.
- Not all officers receive

**NOT RECOMMENDED:** Impaired Driving Per Se Laws for Marijuana or Opioids

Drug-Impaired Driving
Oral fluid technology

Oral fluid is not a silver bullet

- Oral fluid results in and of themselves CANNOT determine whether a driver is impaired.
- The best use of oral fluid is as a corroborative test for drug ingestion. A positive result can assist in Confirming suspicions.
- Officers must rely on observations and information obtained from SFSTs, ARIDE, or DRE evaluations when making determinations about impairment. A trained officer has observed signs and symptoms of impairment. A positive result can assist in confirming suspicions.
- Oral fluid results in and of themselves CANNOT determine whether a driver is impaired.

Oral fluid is another investigative tool!
Erin Holmes
Director, Traffic Safety
Foundation for Advancing Alcohol Responsibility
erin.holmes@responsibility.org
(202) 445-0334

QUESTIONS?