

Napa Sheriff's Office

Cannabis Driving Under the Influence Investigations training

Purpose: The purpose of this course is to provide officers with advanced information associated with signs and symptoms surrounding the effects of cannabis/marijuana.

Learning Outcomes: Officers who have completed this course will be able to conduct thorough Driving Under the Influence (DUI) investigations in situations where the intoxicant causing impairment is cannabis. Students will recognize objective signs and symptoms of cannabis influence, and clues of impairment sufficient to conduct a thorough investigation, well documented report, and ability to provide effective courtroom testimony in support of criminal prosecution. Students will receive instruction of what objective signs of cannabis use look like from Drug Recognition Expert (DRE) and Drug Abuse Recognition (DAR) instructors, in addition to information about research and statistics related to Cannabis related DUI trends in Colorado, and around the country. Students will be instructed on the pharmacology and human physiological path of Delta-9-Tetrahydrocannabinol (THC) after ingestion, absorption, and brief path to the neurological system of the motorist via the bloodstream. Learning about the how THC is ingested, metabolized, and distributed in the human body, students will be introduced to how these investigations differ from traditional alcohol DUI investigations, and blood test alone can be insufficient evidence of impairment since THC's path in the bloodstream is different from alcohol. Students will review the standard Field Sobriety Test and provided some insight as to possible clues to look for that are common with THC impairment, based on instructor expertise and DRE program research. (International Association of Chiefs of Police-IACP/DRE study). Students will also be instructed on THC impairment specific DUI questions and why those interviews and questions may be different than alcohol DUI questions. A "compare and contrast" approach between Alcohol DUI investigations and THC DUI investigations will be used during instruction. A review of the National Highway Traffic Safety Administration (NHTSA) standard Field Sobriety Test (FST) will be included in the training.

1. Marijuana

Learning Objective: At the conclusion of this section, students will be able to accurately discuss, or testify, about the history of marijuana, what the plant is, basic symptomology related to it's use, levels of intoxication, addiction, and various useable ingestion methods of cannabis through lecture, videos, and classroom discussion. Students will be provided with relevant readings related to cannabis-related health diagnosis from the American Psychiatric Association (APA) Diagnostic and Statistical Manual of Mental Disorders, version 5 (DSM-5).

Minimum Topics:

- "hemp" vs. Cannabis

- Strains/types : Cannabis Sativa, Cannabis Indica...and the reproductive cycle of the cannabis plant (male vs female)
- Medical vs. Recreational use
- Long term / Short terms effects on human body
- Signs and symptoms of Impairment
- Occasional and Habitual use ..and why that is relevant to impairment evidence
- Addiction related to Cannabis
- Potency trends – both flower and concentrates/edibles
- Difference in Effect/Impairment/usage and relation to ingestion method
- Cannabidiol (CBD) vs THC

2. Legal Issues and Update

Learning Objective: At the conclusion of this section, students will have an improved understanding about commercial/legal cannabis industry in California, and its impact on search and seizure considerations.

Minimum Topics:

- Proposition 64 – and it’s specific language prohibiting odor alone as “probable cause”
- 11357 Health and Safety (H&S) sub-sections
- Compassionate Use Act (CUA) and Medical Marijuana Program (MMP) introduction
- Vehicle Code “open container” section
- Vehicle Code, section 23152 (f) and 23152 (g)
- Prop 64 prohibition about public consumption

3. Field Sobriety Test / DUI Investigations Involving Cannabis

Learning Objective: At the conclusion of this section, students will have improved skills at administering Standard Field Sobriety Test (FSTs) and finding clues on cannabis related impairment.

Minimum Topics:

- Initial contact / stops
- Observations that establish suspicion of cannabis influence
- Pre-FST questions beyond standard alcohol pre-FST questions
- Explanation of why pre-FST cannabis related questions become important
- Eye Exam to include Horizontal Gaze Nystagmus /Vertical Gaze Nystagmus /Lack of Convergence, and Hippus,... what to look for
- Pulse ...common DRE and DAR observations related to cannabis influence
- One Leg Stand... common DRE/DAR observations related to cannabis influence
- Walk and Turn... “ “

- Finger to Nose
- Romberg test
- Preliminary Alcohol Screen Device (PAS)

4. Arrest, Chemical Test, and DMV Forms

Learning Objective: At the conclusion of this section, students will have a better understanding of the value of chemical test collection, where to send the evidence, and what the quantitative lab results offer the prosecution. Additionally, the students will have an understanding of Department of Motor Vehicle (DMV) admonitions, when to get a search warrant for blood, and completing the DS367 form or a DMV Re-Exam Form.

Minimum Topics:

- Decision to arrest or not arrest
- Blood test vs Urine
- Refusal and search warrants
- Forced blood draw
- DMV forms DS367 and Re-Exams

5. Report Writing and Courtroom Testimony / Prep

Learning Objective: At the conclusion of this section, students will have a clear understanding of what FST clues are most valuable for their opinion on impairment, proper documentation of those clues, and anticipated defense questioning during testimony related to the police report.

Minimum Topics:

- Defense challenges
- District Attorney's burden of proof
- Jury pool attitude towards cannabis
- What lab test are evidence of
- What lab test are NOT evidence of

Assessment

Multiple Choice Exam: Students will be given the same multiple-choice exam at the beginning and at the end of the course. The results will be measured to confirm knowledge was improved.