

Suggested Cannabis Impaired Driving Investigation Techniques for SFST Trained Officers

**Prove These Cases Through Impairment – Not Merely Chemical Tests:
First, Develop RAS of the Consumption of an Intoxicant and Subsequent Impairment:**

1. The Initial Encounter: Investigate, verify, document, witness statements (Why were you there?)
 - a. Operation Indicative of Impairment?
 - b. Call for Service?
 - c. Consensual Encounter?
 - d. Crash?
ESTABLISH A TIME FRAME!
 - i. Operator.
 - ii. Witness(s).
 - iii. Cause.
 1. Verify.
 - iv. Post-Consumption?
 - e. Establish PC of the element of operation
2. Personal Contact:
MAINTAIN THE TIME FRAME!
 - a. Medical Questions.
 - b. Activity Questions.
 - c. Consumption Questions.
 - i. What and Where?
 - ii. Time Consumption Began? Time of Last Consumption?
 - iii. Total Amount Consumed? Is this normal, a lot, a little for you? How does (the substance consumed) make you feel?
 - d. Plain: sight, smell, hearing, feel.
 - e. Distracting Questions: ignores, pauses, or answers incorrectly.
 - f. Establish a connection between the consumption of an intoxicant and subsequent impairment.

If There Is RAS to Suspect Consumption and Impairment, Proceed with Pre-Arrest Screening:

3. Field Sobriety Tests: “a” through “c” if alcohol suspected; add “d” and “e” when cannabis is suspected.
 - a. The Eyes
 - i. HGN
 1. Not likely present in cannabis only cases; suspect other causes if present.
 - ii. VGN
 1. Not likely present in cannabis only cases; suspect other causes if present.
 - iii. LOC
 1. Present in 78% of the cases.
 - iv. Pupil Size
 1. Dilated (may be normal). Suspect other causes if constricted.
 - v. Redness, Droopy, Watery
 1. In 95% of the cases.
 - b. WAT
 - i. Two or more clues
 - c. OLS
 - i. Sway and one other clue
 - d. Romberg
 - i. Eyelid Tremors
 - e. Finger to Nose
 - i. 3 or more misses; Eyelid Tremors
4. *A cannabis impaired positive finding requires two or more of “b” through “e” **

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Establish PC for an arrest based upon the total circumstances of “1”, “2”, and “3” above

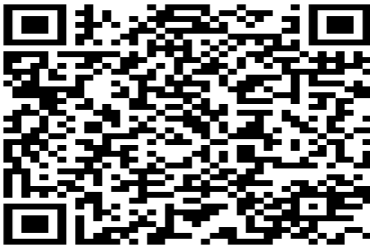
Use Chemical Testing Merely to Confirm Presence of Cannabis

5. Chemical Testing
 - a. Urine indicates past presence only.
 - b. The majority of THC in whole blood is only measurable for 2-4 hours after *consumption*.
 - c. THC levels in blood do not correspond to impairment in a manner that is generally accepted by the scientific community.
 - d. There is no BAC for THC.

These Are Impairment Cases, Investigate Them Like a Refusal or No-Test OUI

6. Miscellaneous Cannabis Impairment Data: *
 - a. 47% of Marijuana operation is speeding and weaving.
 - b. Over 80% showed 2 or more clues on the WAT.
 - c. 77% Showed Sway on OLS.
 - d. More than 62% showed tremors.
 - e. More than 75% show 4 or more missed on the FTN test.
 - f. 85.7% shows eyelid tremors on FTN or Romberg.
 - g. 95% of eyes were reported as droopy, reddened or watery.
 - h. Dilated Pupils (may be normal) DRE Protocol.
 - i. LOC in 78% of marijuana cases.

Sources



<https://www.maine.gov/dps/sites/maine.gov.dps/files/inlinefiles/Sources%20for%20August%2015%20IACP%20Presentation.pdf>

Disclaimer: Nothing presented here is intended to augment or replace the ARIDE or DRE training protocols.

Complied by:

Scot Mattox, Esq. DRE Instructor
Traffic Safety Resource Prosecutor
Dirigo Safety, LLC, a Contractor for:
The Maine Bureau of Highway Safety

