1. Working group name:

*Law Enforcement Working Group*

1. Individual sponsor(s):

*Adam W. Page, Captain, Department of Public Safety, Nevada Highway Patrol*

*Joshua Chaney, Deputy, Carson City Sheriff’s Office*

*Maggie McLetchie, McLetchie Shell LLC*

*John Piro, Clark County Public Defender’s Office*

1. Describe the recommendation:

*The working group submits to the Task Force that law enforcement within Nevada is adequately prepared to enforce the laws as it pertains to driving under the influence of marijuana. The following recommendations are submitted in an effort to improve public safety through proactive measures, training, improved data collection and review of scientific findings.*

* 1. *Aggressive Media Campaign to educate the motoring public.*
  2. *Support Drug Recognition Expert (DRE) and Advanced Roadside Impairment Driving Enforcement (ARIDE) training for law enforcement by increasing the number of instructors and classes.*
  3. *Improve data collection through increased drug screening during forensic testing of blood.*
  4. *As research and data are collected, ensure that Nevada’s per se limits are consistent with scientific findings.*

1. Which guiding principle(s) does this recommendation support?

*Guiding Principle 1 - Promote the health, safety, and well-being of Nevada’s communities*

*Guiding Principle 2 - Be responsive to the needs and issues of consumers, non-consumers, local governments and the industry*

*Guiding Principe 3 - Ensure that youth are protected from the risks associated with marijuana, including preventing the diversion of marijuana to anyone under the age of 21*

*Guiding Principle 5 - Begin a discussion between the State and local governments regarding the costs of carrying out Question 2*

*Guiding Principle 6 - Establish regulations that are clear and practical, so that interactions between law enforcement (at the local, state, and federal levels), consumers, and licensees are predictable and understandable.*

1. What provision(s) of Question 2 does this recommendation apply to?

*Section (4) Limitations: Section 1 to Section 18 do not permit any person to engage in and do not prevent the imposition of any civil, criminal, or other penalty for:*

*a. Driving, operating, or being in actual physical control of a vehicle, aircraft, or vessel under power or sail while under the influence of marijuana or while impaired by marijuana.*

1. What issue(s) does the recommendation resolve?
2. *An aggressive media campaign will be a proactive measure to educate the motoring public on how marijuana impairs a person’s ability to operative a moving vehicle. Additionally, the campaign should notify the public that driving under the influence of marijuana will be treated with the same legal consequences as DUI alcohol. This public message will allow responsible marijuana users to make appropriate decisions and keep Nevada roadways safe.*
3. *In order to remove impaired drivers from the roadway, law enforcement officers must have the training to detect levels of impairment. DRE and ARIDE training will improve a law enforcement officer’s ability to detect such impairment. Currently there are only 109 DREs in Nevada. Increasing this number will not only improve the amount of experts in the field of drug detection, but it will increase the number of those trained in ARIDE since the curriculum is taught by DREs.*
4. *Increased screening and data collection during forensic testing of blood will allow Nevada to track and examine the number of impaired drivers that are under the influence of marijuana. Current forensic practices do not test for drugs when alcohol is detected at a certain level. Therefore, there is a gap in data to establish if the impaired driver was also under the influence of a controlled substance. Allowing for a more accurate data source will help shape future policy as it pertains to DUI enforcement.*

*D. As research and data are collected, ensure that Nevada’s DUID laws are consistent with scientific findings.*

1. Was there dissent in the group regarding this recommendation? If yes, please provide a summary of the dissenting opinion regarding the recommendation.

*The group dissented only on recommendation D: As research and data are collected, ensure that Nevada’s per se limits are consistent with the findings. Ms. McLetchie and Mr. Piro proposed this recommendation to the group. Deputy Chaney and Captain Page were reluctant to submit this recommendation as the group lacked any evidence to suggest that the current per se limits are not appropriate. As a compromise, the group agreed to submit this recommendation in a manner that would encourage review of the per se limits if scientific findings dictated such.*

1. What action(s) will be necessary to adopt the recommendation? Will statute, policy, regulations, etc. need to be addressed?
2. *Media campaign – Local and State law enforcement agencies will partner with various media outlets to maximize exposure to the motoring public regarding the detriment of driving impaired and the legal consequences. There will be no changes to statute, policy, or regulations.*
3. *DRE and ARIDE training – Nevada has a sufficient pool of instructors to increase the number of law enforcement personnel trained in both DRE and ARIDE. Law enforcement agencies should encourage their officers, especially those routinely exposed to traffic and general patrol activities, to become proficient in detecting impairment. There will be no changes to statute, policy, or regulations.*
4. *Data collection – A policy change will be required at the forensic laboratories to ensure that blood samples are tested for narcotics in all cases where drug impairment is suspected. The policy changes would be internal. No statute or regulation change would be required.*
5. *Reviewing scientific data regarding per se limits – There are no changes to statute, policy, or regulations at this time for this recommendation. However, as future scientific data is released a request for a statutory change to either increase or decrease the per se limits may be submitted.*
6. Additional information (cost of implementation, priority according to the recommendations, etc.).
7. *An aggressive media campaign will undoubtedly have costs. However, there are funding sources that will aid with this expense. The work group was able to contact members of the Department of Public Safety, Office of Traffic Safety who were very supportive in helping raise community awareness regarding the dangers and legal consequences of driving while impaired. In fact, they have already shown their support on a recent public service announcement, “Drive High, Get a DUI.”*
8. *DRE and ARIDE training will have internal costs for the individual law enforcement agencies in terms of training time. It is recommended that training budgets for each agency include allotment for DRE and ARIDE training with the understanding that local and state government should be encouraged to support this training request.*
9. *Changes to the data collection at the forensic laboratories will have the most significant fiscal impact of the four recommendations. Nevada currently maintains two laboratories which conduct the bulk of lab testing in Nevada: the Las Vegas Metropolitan Police Department (LVMPD) and the Washoe County Sheriff’s Office (WCSO). Both laboratories were asked by this working group to provide a cost analysis to place blood samples through a drug panel screen where drug impairment was suspected. WCSO reports a cost analysis of approximately $500,000 per year and LVMPD indicates that such a request would cost $160,000 annually for their lab. This includes the cost of additional forensic scientists and all consumables required for testing.*
10. *Reviewing the scientific data regarding per se limits should have little or no financial impact.*