Key Economic Impact Concerns from Law Enforcement

Training

Assessment of impairment in traffic stops using A.R.I.D.E. and D.R.E. training is the next step to S.F.S.T. roadside tests. Currently S.F.S.T. training is mandatory in the basic police officer academy curriculum. S.F.S.T. refresher training is mandated by NM Law Enforcement Academy Board rule for biennial in-service training. A.R.I.D.E. training may be substituted for the S.F.S.T. refresher training. The rule only requires the training for law enforcement officers who enforce D.W.I. laws as a requirement of their job duties.

Without any per se guidelines for THC in DWI contacts to determine impairment officers must rely upon their observations using S.F.S.T. protocols as well as A.R.I.D.E. training. 5 states have set per se limits ranging from 1ng/ml to 5ng/ml. (Governors Highway Safety Association – www.ghsa.org)

There are no tuition costs for the A.R.I.D.E. or D.R.E. courses as they are funded by NM Department of Transportation through federal grants. Agencies will incur significant costs in overtime to cover staffing while law enforcement officers are in training.

Equipment

Roadside testing tools are currently under evaluation and have not been validated for accuracy. At this time a cost associated with oral swabs tests or breath analysis equipment has not been defined.

The funding recommendations of Marijuana Legalization work group outline a $1,000 per officer at a cost of $5.1M. This strategy will favor larger agencies with more existing resources than smaller agencies. Although the proposal allows local jurisdictions to determine local training and equipment needs our rural jurisdictions with limited resources may need additional financial assistance.

Hound Labs Breathalyzer	$600 - $800 per device
Cannabix Technologies Inc. THC Breath Analyzer	$1,000 - $1,500 per device
NarcoCheck THC Saliva Test (swab)	$20 per test

New Mexico Drug Recognition Expert Program

Currently we have 72 Certified Drug Recognition Experts in New Mexico. Our short term goal is to bring that number to 100 and expand from there. We've noticed we stay stagnant around 70-80 DREs due to DRE turnover we experience each year. The turnover can be caused by any number of things (Retirement/Promotion/Change in Position etc)

The 72 DREs around New Mexico are broken down into the following Departments:

- 6 DREs at Kirtland Air Force Security Forces Squadron
- 9 DREs at the Albuquerque Police Department
- 1 DRE at the Aztec Police Department
- 1 DRE at the Bosque Farms Police Department
- 3 DREs at the Carlsbad Police Department
- 2 DREs at the Clovis Police Department
- 4 DREs at the Dona Ana Sheriffs Office
- 1 DRE at the Espanola Police Department
- 2 DREs at the Farmington Police Department
- 1 DRE at the Hobbs Police Department
- 1 DRE at the Laguna Pueblo Police Department
- 2 DREs at the Las Cruces Police Department
- 1 DRE at the Lea County Sheriffs Office
- 2 DREs at the Los Alamos Police Department
- 3 DREs at the Los Lunas Police Department
- 16 DREs at the New Mexico State Police
    - 2 in Albuquerque
    - 3 in Valencia
    - 1 in Carlsbad
    - 1 in Espanola
    - 2 in Farmington
    - 1 in Socorro
    - 2 in Gallup
    - 1 in Grants
    - 1 in Las Cruces
    - 1 in Silver City
    - 1 in Deming
- 6 DREs at the Rio Rancho Police Department
- 2 DREs at the San Juan County Sheriffs Office
- 1 DRE at the San Miguel County Sheriffs Office
- 2 DREs at the Sandoval County Sheriffs Office
- 1 DRE at Silver City Police Department
- 1 DRE at the Taos Police Department
- 3 DREs at the Valencia County Sheriffs Office
- 1 DRE at White Sands Missile Range Police Department

We follow the International Association of Chiefs of Police's International Standard for the Drug Evaluation and Classification Program as far as the Certification Requirements for a Drug Recognition Expert are concerned.

These standards require a candidate:
- Be proficient in the administration and interpretation of the SFSTs prior to being accepted into a DRE School
- Have experience in DWI enforcement/testimony prior to being accepted into a DRE School
- Attend a ARIDE prior to being accepted into a DRE School
- Be certified by SLD to operate the Intoxilyzer 8000 prior to being accepted into a DRE School

Once accepted:
- Attend a two week class (put on annually at various locations around New Mexico)
- The two week school involves two 'wet-labs' in which the student much show proficiency in the SFSTs to continue with the training
- Pass a 'pre-school' test to continue with the training
- Pass multiple quizzes throughout the school
- Pass a comprehensive 100 question test at the conclusion of the two weeks
- Once they pass the two week school, they are flown to Sacramento, California where they perform 12 "hands on" evaluations on drug-impaired subjects
- They must maintain an accuracy rate on the categories they believe the subject is under the influence of in corroboration with a toxicology sample
- Complete all reports for the aforementioned evaluations
- Pass an incredibly comprehensive (approximately 5-7 hour) test showing proficiency with the concepts of DRE program

Once they complete all this, they are Certified as Drug Recognition Experts. Their certification lasts for two years and they 'recertify' every other year.

ARIDE is not a "Certification" training, it is considered more of an awareness training. We put on 18 ARIDEs around New Mexico each year. So far in 2019 we've trained 215 Officers in ARIDE (we still have 3 more classes to go). In total, 1,152 officers in New Mexico have been through the ARIDE class.

The training is covered by the DRE grant. This includes costs for DRE equipment and lodging (for the DRE School, not ARIDE)/Per Diem (for the DRE School, not ARIDE)/Flights/Student Manuals etc.

The grant is not used to pay for travel for ARIDE classes because we put 18 on all over the state each year.

Oral fluid testing for THC. There are some states that have began experimenting with this technology. We in N.M. have not yet. One of the reasons is the oral fluid testing will only show the presence of THC.. it cannot show impairment. Impairment in drug-impaired driving cases cannot be measured by any specific level of chemical in the blood or other fluids, based on the complexity of what drugs do to the human body. There is no science to say a specific level is 'per se' impairment, like we have for alcohol.

The presence of drugs in any particular person is not necessarily indictive of impairment. Our current laws would not support an officer swabbing a suspected drug impaired drivers' mouth to make a case against him or her, but even if they did, the argument can easily be that 'yes, there are drugs present, but that doesn't mean my client was impaired'.

Marijuana-Related Laws

State	Marijuana use legalization			Marijuana and driving	
	Decriminalized	Medical	Recreational	Zero tolerance law	Per se law
Alabama	no	no	no	no	no
Alaska	yes	yes	yes	no	no
Arizona	no	yes	no	THC and metabolites	no
Arkansas	no	yes	no	no	no
California	yes	yes	yes	no	no
Colorado	yes	yes	yes	yes*	reasonable inference 5ng
Connecticut	yes	yes	no	no	no
Delaware	yes	yes	no	THC and metabolites	no
D.C.	yes	yes	yes	no	no
Florida	no	yes	no	no	no
Georgia	no	no	no	THC and metabolites	no
Hawaii	no	yes	no	no	no
Idaho	no	no	no	no	no
Illinois	yes	yes	no	THC and metabolites	no
Indiana	no	no	no	THC and metabolites	no
Iowa	no	no	no	THC	no
Kansas	no	no	no	no	no
Kentucky	no	no	no	no	no
Louisiana	no	no	no	no	no
Maine	yes	yes	yes	no	no
Maryland	yes	yes	no	no	no
Massachusetts	yes	yes	yes	no	no
Michigan	no	yes	yes	THC	no
Minnesota	yes	yes	no	no	no
Mississippi	yes	no	no	no	no
Missouri	yes	no	no	no	no
Montana	no	yes	no	no	5ng
Nebraska	yes	no	no	no	no
Nevada	yes	yes	yes	no	2ng
New Hampshire	no	yes	no	no	no
New Jersey	no	yes	no	no	no
New Mexico	no	yes	no	no	no
New York	yes	yes	no	no	no
North Carolina	yes	no	no	no	no
North Dakota	no	yes	no	no	no
Ohio	yes	yes	no	no	2ng
Oklahoma	no	no	no	THC and metabolites	no
Oregon	yes	yes	yes	no	no
Pennsylvania	no	yes	no	no	1ng
Rhode Island	yes	yes	no	THC and metabolites	no
South Carolina	no	no	no	no	no
South Dakota	no	no	no	THC and metabolites	no
Tennessee	no	no	no	no	no
Texas	no	no	no	no	no
Utah	no	yes	no	THC and metabolites	no
Vermont	yes	yes	no	no	no
Virginia	no	no	no	no	no
Washington	yes	yes	yes	no	5ng
West Virginia	no	yes	no	no	no
Wisconsin	no	no	no	THC	no
Wyoming	no	no	no	no	no

*Colorado has reasonable inference law with a limit >0 for THC