

DUIIs from marijuana see huge increase in first year of legal recreational use

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By Kandra Kent

GRESHAM, OR (KPTV) - Nine months after her daughter was killed while crossing a Gresham street, Aida Rose still only wears black every day.

Inside her St. Helens living room, pictures of Elizabeth Kemble's smiling face are front and center on every mantle, every table and across the fireplace.

A box on a corner table holds her ashes, and Rose said she keeps a candle lit 24 hours a day, seven days a week.

"I just like to keep her like that every day - with candles and flowers," Rose said.

"This one was her favorite rosary," she added, pulling it off the urn. "I keep it on here for her and I talk to her."

No mother should talk to her daughter that way, and Rose said the circumstances surrounding Kemble's death add anger to grief.

"If (people) want to smoke marijuana or (drink) alcohol, or any other kind of drugs - if they choose to do that, just do it at home," Rose said. "But don't drive a vehicle and kill an innocent person. She was doing so much good for the community."

In May, Jacob Walters pleaded guilty to criminally negligent homicide and DUII.

Witnesses had reported him smoking what appeared to be marijuana just before he hit Kemble in a crosswalk in October of 2015. According to court documents, Walters told police he had felt a "little high."

A year after the legalization of recreational marijuana, there's still little data on how the new law is affecting Oregon roadways - although police, prosecutors, and safety experts say drugged-driving has been on the rise for years.

Still, one set of new statistics shows legal recreational marijuana could mean more people driving high.

In July, Oregon State Police released data to FOX 12 showing that OSP troopers from around the state reported an increase of 163 percent in pot DUII arrests in the first six months of legalization.

During the same time, troopers reported an increase of 111 percent in DUIIs where marijuana was found to be a contributing factor to the arrest.

In those six months, total DUII arrests went up 7 percent.

More DUIIs means more testing

Along with relying on the skills of Trained Drug Recognition Experts, urine samples are often taken in drug DUII cases, and the evidence is sent to OSP crime labs for analysis.

With more drugged DUII arrests, there's more urine that needs to be tested.

"Currently, our urine (toxicology) backlog is on the order of 90 to 100 days," Portland Forensic Lab Supervisor Robert Jones said.

That backlog is three times longer than OSP's goal, but the lab is currently testing new technology that will hopefully make it easier and quicker to find drugs in fluids like urine.

"It's a tool that is extremely sensitive, and it's going to increase our ability to detect drugs at very low levels - and a larger variety of drugs," Jones explained.

OSP purchased the roughly \$350,000 machine, a mass spectrometer, last summer and began testing more recently.

In addition to faster analysis, Jones said the machine will allow OSP crime labs to detect synthetic cannabinoids in urine for the first time.

The drugs are popular for their marijuana-like high, but right now Oregon law enforcement agencies have to send samples to private labs for testing if they suspect a person has been using them.

Faster analysis could mean faster prosecution, and in turn faster data collection. OSP said part of the reason statistics are delayed is because of the wait for lab results.

Lack of marijuana DUII statistics is a big fear, according to safety experts with the Oregon Department of Transportation.

Impaired Driving Program Manager Daniel Estes called data collection the "biggest gap" in the state's preparation for recreational marijuana.

"We struggle with current and complete data," Estes wrote in an email. "It's a tremendous frustration, especially since everyone tracks and shares data differently and there are so many agencies involved."

Chuck Hayes, chair of the Governor's Advisory Committee on DUIIs, agrees statistics are one of the biggest challenges and most important pieces for policy advisers and lawmakers.

"We need a better data collection system," he said, adding that policymakers will be looking toward the numbers when recommending new laws next year.

Hayes added some of those recommendations will likely include whether Oregon should follow Washington and change laws to make it easier for law enforcement to take blood samples as implied consent when it comes to driving on public roadways.

Oregon will also likely take another look at whether to set marijuana THC limits for driving - something Hayes said he strongly opposes.

The Oregon Liquor Control Commission, which oversees the growing, selling and buying of recreational marijuana, is tasked with putting together a report on marijuana and DUIs for legislators.

The report isn't due until January, and spokesman Mark Pettinger said it is currently a "low priority" for the office, which has other things - like tracking cannabis - on its plate.

Pettinger said the OLCC expects to get much of its state data from OSP and spend more time on the report in the upcoming fall.

OSP Capt. Bill Fugate said the agency hopes to have more comprehensive marijuana DUII data available as soon as possible.

Meanwhile, Rose said she's not only speaking out about the dangers of driving high but her disappointment with the punishment given to the man who killed her daughter.

Jacob Walters was sentenced to nearly four years in prison, but will likely get out earlier.

"He's probably going to get out in a year, or 18 months - big deal," Rose said. "I lost my daughter. I lost my best friend, and that's really sad."