

Drugged driving crashes surging across Michigan

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As drunken driving deaths decline, drugged driving deaths are on the rise.



(Photo: AP)

The driver of a red pickup appeared to be drunk, according to witnesses who called 911, as he sped erratically through Kalamazoo County in June 2016.

Before police could catch up to him, the driver plowed into a group of bicyclists (</story/news/local/michigan/2016/06/07/police-least-8-victims-multiple-dead-after-car-hits-bicyclists-kalamazoo/85574556/>) on a rural road, killing five of them in a crash that would make international headlines.

Investigators later learned the driver, Thomas Pickett Jr., wasn't drunk. Blood tests show he was high on drugs, including methamphetamine, pain killers and muscle relaxers. Prosecutors charged Pickett with 14 felonies, including second-degree murder and driving under the influence. His trial is scheduled for September (</story/news/local/michigan/2017/06/07/survivors-fatal-bike-crash/376924001/>).

Read more:

Michigan overdose deaths were up last year: most involve opioids
(<http://www.freep.com/story/news/local/michigan/2017/07/13/michigan-overdose-deaths-opioids/477194001/>)

Drug users now cause almost as many traffic deaths in Michigan as drunken drivers, a trend police blame on prescription drugs, the opioid epidemic and the easy availability of marijuana, medical and otherwise.

Last year, drugged drivers caused 127 crashes that killed 141 people, according to Michigan State Police statistics. That's still less than the 165 crashes caused by drunken drivers that killed 176 people, but the trends are heading in opposite directions.

Over the past decade, fatal drunken-driving crashes across the state are down 36%, while those caused by people impaired by drugs have risen 263%.

"I arrest more drugged drivers than drunk drivers," said Washtenaw County Sheriff's Deputy Brian Webb, who says he arrests about 10 impaired drivers each month. He is one of about 115 certified drug recognition experts in Michigan, officers with the highest levels of training in identifying people impaired by drugs other than alcohol.

Michigan is a zero-tolerance state (http://www.michigan.gov/sos/0,4670,7-127-1627_8665_9070-24488--,00.html), meaning you can be prosecuted for any amount of cocaine or Schedule 1 drug, such as marijuana, in your system, although the courts have said that does not automatically apply (<http://courts.mi.gov/Courts/MichiganSupremeCourt/Clerks/Recent%20Opinions/12-13-Term-Opinions/145259%20Opinion.pdf>) to those with a medical marijuana card.

Proving impaired driving by someone who is taking valid prescription drugs is much more difficult. In Michigan, a driver who is taking a legally prescribed drug can be prosecuted for drugged driving if police can show it impaired that person's driving ability.

Social acceptability

Police say some high-profile cases, like the May arrest of golf legend Tiger Woods (</story/sports/golf/2017/06/10/tiger-woods-told-officers-during-arrest-he-had-taken-xanax/102699298/>) in Florida for driving under the influence of prescription drugs, have raised awareness.

But the dangers of drugged driving have yet to sink into the public consciousness, said Candace Lightner, the founder of Mothers Against Drunk Driving (<http://www.madd.org/>) (MADD). Lightner now runs We Save Lives (<https://wesavelives.org/>), a nonprofit that raises awareness about the dangers of drunken, drugged and distracted driving.

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"Drunk driving is no longer socially acceptable, but drugged driving is socially acceptable because people don't think it's a problem," Lightner said. "I fault the pharmacists and the doctors. They do not do a good job of educating their patients about these drugs."

Lightner said years of messages about the dangers and legal penalties associated with drinking and driving have led many people to avoid it through designated drivers, cabs and other means. But that same caution hasn't translated into the drug realm, especially prescription drugs, she said.

"People will always take drugs but they don't make alternative transportation arrangements," Lightner said. "People pop pills but they don't say 'Will you drive me because I just took a Xanax.'"



Macomb County Sheriff's Deputies police the scene of a school bus accident in which a New Haven Community Schools driver believed to be under the influence of drugs struck a parked minivan on Friday, Jan. 8, 2016. Credit: Macomb County Sheriff's Office. (Photo: Macomb County Sheriff's Office, Macomb County Sheriff's Office)

Lightner said the statistics in Michigan and nationally surely understate the threat of driving under the influence of drugs.

"It's really impossible to say how serious the DUID problem is," Lightner said. "We typically don't test in drugged-driving cases. As soon as they detect alcohol, they don't test for drugs."

A 2014 National Survey on Drug Use and Health showed 10 million people reported driving under the influence of illicit drugs during the prior year, according to the [National Institute on Drug Abuse \(https://www.drugabuse.gov/publications/drugfacts/drugged-driving\)](https://www.drugabuse.gov/publications/drugfacts/drugged-driving). The findings showed that men are more likely than women to drive under the influence of drugs or alcohol and a higher percentage of young adults ages 18 to 25 drive after taking drugs or drinking than do those 26 or older.

Changing times

Police have been forced to adopt to the new trends.

Most officers are taught to administer standard field sobriety tests, like walking in a straight line, standing steady on one leg and tracking an object with eyes only. But those tests focus on alcohol impairment.

In 2007, the National Highway Traffic Safety Administration and the International Association of Chiefs of Police created a program designed to detect drugs other than alcohol, known as the Advanced Roadside Impaired Driving Enforcement.

One step above that is the highest level of training known as a (http://www.michigan.gov/msp/0,4643,7-123-72297_64773_22719-383472--,00.html) drug recognition expert or DRE. It's for officers like Webb who are trained to detect seven categories of drugs: depressants, stimulants, hallucinogens, dissociative anesthetics like PCP, narcotic analgesics like Vicodin and Oxycontin, inhalants and cannabis.

"All the categories are going to affect your ability to operate a motor vehicle," said Ferndale Police Officer John Cleveland, who, like Webb, is a certified drug recognition expert in Michigan. "They are all going to affect your brain's ability to control your body."

The officers must apply to be in the DRE program and demonstrate proficiency at arresting drunken drivers. The program includes two weeks of classroom work in Lansing and a stint in Maricopa County, Ariz., where officers must interview jail inmates who are under the influence of drugs.

The trainers in Arizona know from blood samples which substances the inmates have consumed. The trainees must determine the substance based on a 12-step evaluation that builds on traditional testing and includes things like checking vital signs such as pulse rate and muscle tone, as well as checking the size of the driver's pupils in a dark room.

Cleveland said the additional training is especially needed when an officer knows something is wrong, but can't identify the problem. Cleveland said he often is called to traffic stops made by other officers who can sense impairment of a driver, even though the person passed a breath test for alcohol.

"Each category is different. Depressants slow everything down," Cleveland said. "Cocaine and meth are stimulants that speed everything up. People on stimulants, they might be going 100 m.p.h. in a 40 m.p.h. zone. They need to go, go, go. They are all are going to have deadly and traumatic affects."

Prescription pills

Robert Larin (<http://www.robertlarin.com/>), a Birmingham lawyer who has defended drunken drivers for more than 40 years and written textbooks for lawyers on how to do it, said he sees more marijuana cases than he did years ago, but the biggest difference is prescription drugs.

"I think a lot of this is because there are lots of sick people who are in pain and they are taking increased medications and these doctors are willing to give it to them," Larin said. "A lot of them don't realize who these drugs are affecting them."

One difference between drunken drivers and drugged drivers is the time of day they are on the roads. A study by the University of Michigan Transportation Research Institute (<http://www.umtri.umich.edu/>) examined state crash data from 2011 through 2015 and found that drug users and drinkers kept different hours.

"Alcohol-involved crashes are very concentrated late at night and on weekends when bars close, but drug-involved crashes seem to occur at all times of day," said Carol Flannagan, a research associate professor who conducted the study with her colleague Aditi Misra.

Alcohol-related crashes peak on weekends. Drug-related crashes also are common then, but they tend to be more evenly spread throughout the week, Flannagan said.

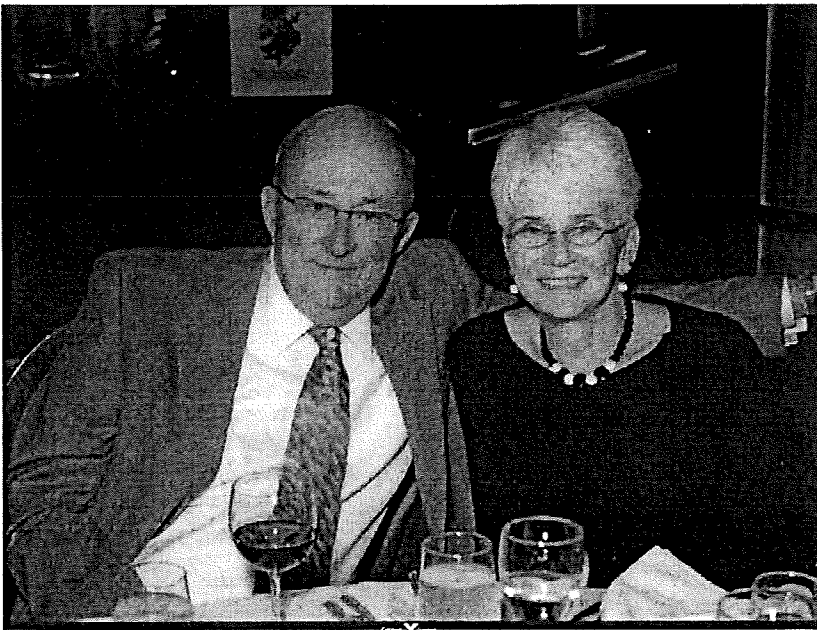
Flannagan noted that overall alcohol-related crashes, including those that don't cause deaths, are still far more frequent, happening about nine to 10 times as often as those attributed to drugs. But as drug testing becomes more common, Flannagan suspects the gap will begin to close.

Pilot program

Thomas and Barbara Swift of Escanaba were both active at age 73 and enjoying their retirement. On March 20, 2013, a logging truck ran a red light in Gladstone in the Upper Peninsula and slammed into their car.

Thomas Swift died instantly. His wife died three days later. The truck driver, Harley D. Durocher, 24, of Gwinn, was driving with a suspended license.

After the crash, Durocher tested positive for THC, the active ingredient in marijuana. He was later convicted of reckless driving and driving under the influence of drugs causing a death. He's now serving five to 15 years in prison.



Thomas and Barbara Swift of Escanaba died in 2013 after a drugged driver at the wheel of a logging truck ran a red light and smashed into their car. A state law creating a pilot program for roadside drug testing bears their name. (Photo: Swift family photo)

"My parents were killed by an irresponsible idiot who didn't care about anybody but himself," said Swift's son, Brian. "If anyone thinks it can't happen to them, they are kidding themselves."

Brian Swift, who grew up in the U.P. but now lives in Texas, helped lobby the Michigan Legislature to allow preliminary roadside drug testing. Last year, Gov. Rick Snyder signed the Barbara J. and Thomas J. Swift Law.

Much like the breath test used to detect drunken driving, these tests are designed to detect drugs in the driver's system.

"It's an oral fluid swab utilized to detect motorists who are impaired on a controlled substance," said Special 1st Lt. Jim Flegel, a traffic safety specialist with the Michigan State Police who coordinates Michigan's Oral Fluid Roadside Analysis Pilot program. "Drug Recognition Experts in the field would swab the person who is suspected of impaired driving and then insert the saliva swab into a test machine."

The machine can detect the presence of a variety of drugs, Flegel said.

The test is considered preliminary so positive results are confirmed through blood or urine test. Investigators can take those samples with the driver's permission or by getting a judge to sign a search warrant to compel them. Failure to submit to an oral fluid test is a civil infraction.

The program will be conducted in five counties and the data collected through it will be included in a report State Police will submit to the Legislature. Flegel said the program is being created now and he expects it to launch within a couple months.

"If we can show the oral fluid test instrument accuracy and reliability, it could eventually be available to all law enforcement in the state of Michigan," Flegel said. "I am confident this oral fluid pilot program will save lives and ultimately, decrease drugged driving deaths in Michigan."

Swift hopes so.

"We refer to it as swift check, not just because our last name is Swift," he said. "It's swift. You can get the results back immediately. This is not space movie technology, this is real-time stuff."

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