

Northwest Evaluator

The Pacific Northwest
Drug Recognition Expert Newsletter



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COORDINATOR COMMENTS

by Sergeant Timothy Plummer

As the year winds down I have the opportunity to compile activities for the national annual report. Looking at the efforts that the Oregon DREs put out continues to amaze me. DREs serve in their respective communities and have positive influence on a national level. Oregon DREs serve as chair persons of local Victim Impact Panels, are part of Major Crash Teams, provide driver education training, training to school educators, hospital emergency room staff, local trucking companies and so on. The things they do are in addition to special operations such as "Operation Trucker Check" and research studies on impairing substances and yet the Oregon DRE continues to work in his or her regularly assigned duties. I am proud to serve with such dedicated men and women.

The 2007 Legislative session has brought changes to some of Oregon's DUII, underage drinking and related laws. The following is a brief overview of some of the changes that become effective January 1st, 2008.

House Bill (HB) 2147 expanded the age range for courts to deny driving privileges for offenses involving alcohol (including MIP) from ages 13-17 to youths ages 13-20.

HB 2148 amended ORS 471.430 to make possession of alcohol, by underage persons while operating a motor vehicle a Class A violation.

HB 2379 restores the discretion of district attorneys to treat unlawful possession of heroin or unlawful possession of 3,4-methylenedioxymethamphetamine (ecstasy) as a Class A misdemeanor.

HB 2740 creates the crime of Aggravated Vehicular Homicide.

HB 2895 Health Care Provider BAC Notice.

Senate Bill (SB) 347 created a new statute which clarifies that prosecutors are not required to disclose the schematics, source codes, or software of an instrument used to test a person's breath, blood or urine (unless the material is in the actual possession or control of the state).

This represents only a few select changes to Oregon laws that emerged from the 2007 session. I would strongly encourage all DREs to read the 2007 Legislative update material that has been sent to your agency through DPSST, the Oregon Association Chiefs of Police and the Oregon State Police.

Once again I am asking DREs to forward me copies of any 2007 evaluations not already sent in. I also need documentation/reports on the types of training DREs have conducted during 2007. Please include

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the type of training, group size and make up (nurses, doctors, high school students etc.), date and location. I am also looking for any unusual cases where your DRE skills were employed. Any large cases that developed as a result of a drug evaluation would also be noteworthy. If you have any photos of yourself or other DREs doing what DREs do best, forward them as well.

Looking forward to 2008 there will be continued emphasis on reducing drug and alcohol impaired driving related incidents as well as a national effort to reduce underage drinking. I feel confident that Oregon DREs will be actively involved in all aspects of drug and alcohol reduction activities from education to enforcement.

The Oregon DEC Program wishes you and your families Happy Holidays with happiness and success in the coming year.

MARIJUANA FOUND IN WRAPPED CHRISTMAS PRESENT

A traffic stop by an Oregon State Police (OSP) trooper Monday night south of Klamath Falls found an unusual wrapped Christmas present that turned out to be nearly two pounds of marijuana. A total of approximately 3 pounds of marijuana and four firearms was seized, and the Montana man and his son were both arrested.

On November 26, 2007, at approximately 7:35 p.m. OSP Trooper Dave Chambers stopped a 2004 Cadillac Eldorado displaying Montana license plates on Highway 97 about ten miles south of Klamath Falls for traveling 75 mph in a 55 mph speed zone. Upon contact with the driver, JIMMIE CUMBEE, age 42, and his 17-year old son, both from Highwood, Montana, the trooper spotted a marijuana pipe and asked the driver if he had marijuana in the car.

JIMMIE CUMBEE admitted to having marijuana in the car and subsequently surrendered about 3 pounds of marijuana, including nearly two pounds in a wrapped Christmas present. Four firearms were also seized, one of which was loaded and concealed in a box next to the driver's seat.



CUMBEE was lodged in Klamath County Jail for:

- * Unlawful Manufacturing a Controlled Substance – Marijuana
- * Unlawful Delivery of a Controlled Substance – Marijuana
- * Unlawful Possession of a Controlled Substance – Marijuana
- * Carrying a Concealed Weapon

His son was transported to Klamath County Juvenile Detention Center.

STUDENT ALCOHOL- AND DRUG-IMPAIRED DRIVING REMAINS SERIOUS PROBLEM

A new study, “Drugs and Driving by American High School Seniors, 2001–2006,” reports on trends from 2001 to 2006 in the number of high-school seniors who drive after using alcohol, marijuana, or other illicit drugs, or who are exposed as passengers to such behaviors. The study found that in 2006, 30 percent of high-school seniors reported exposure to a drinking or drugged driver in the past 2 weeks, down from 35 percent in 2001. According to a press release, between 2001 and 2003, the rates declined from 35 to 31 percent, but between 2004 and 2006 the rates leveled off at just under 30 percent. The researchers also examined demographic and lifestyle characteristics associated with alcohol- and drug-impaired driving. For example, males were more likely than females to drive after heavy drinking or marijuana use. Individual lifestyle factors such as high religiosity, good grades, low truancy, or having two parents living at home were all associated with a lower likelihood of engaging in risky driving behaviors. The study was supported by the National Institute on Drug Abuse (NIDA), part of the National Institutes of Health (NIH). Elias A. Zerhouni, NIH director, states “These findings are another wake-up call that we cannot afford to be complacent about this great public health risk. This study shows that not only are too many teens putting themselves and others at risk by driving under the influence of drugs, but that there has been little improvement in the past six years.” The data for the study were obtained from the national Monitoring the Future study, which has surveyed high-school seniors annually since 1975. The study is published in the November issue of *Journal of Studies on Alcohol and Drugs* (Vol. 68, pp. 834-842)

Information obtained from Leadership to Keep Children Alcohol Free, November 1, 2007, Weekly Update

NAVIGATING THE TWELFTH STEP

Jillian Lottridge, Ph.D. and Lynn Howard, J.D.
Oregon State Police Crime Lab, Springfield, Oregon

The twelfth step of the DRE Evaluation involves collection of a toxicological sample. When the urine is collected, it is then sent to the nearest OSP crime laboratory that is capable of analyzing the sample. Frustration may set in if it seems like you are sending the sample off into a great black abyss, only to wait over a month to get results back that may or may not be consistent with your evaluation. The best way to effectively reduce this frustration is to have open communication between the DRE and the laboratory. In order to help us help you here are a few key collection guidelines to follow.

First, make sure that the sample is of sufficient volume. The cup should ideally be at least half full in order to guarantee that enough sample is available for the initial crime laboratory analysis and for retesting later if the need should arise.

Second, the temperature strip is your best indicator to detect tampering. If the strip shows no color change immediately following collection, then it is probable the sample was not a normal temperature and may have been tampered with, most likely with the addition of room temperature water. If you suspect tampering, collect another sample and submit both to the lab. Our analysis may be able to provide additional evidence of adulteration and help support a tampering charge.

Third, and very importantly, the lid needs to be screwed on tightly and correctly. If just one of the threads is off, then the sample very well might leak entirely out of the container en route to the crime lab. In this case, there will be no sample available for the laboratory to test and you will receive a report stating this. Check the lids, by putting on a pair of gloves and unscrewing and then re-screwing the lid on correctly. This only takes a minute and is well worth the effort. It can be the difference between a result that corroborates your evaluation and no result at all.

Finally, make sure the sample collection cup is labeled with, at a minimum, the subject's name and the date and time of collection. This helps defuse chain of custody issues which may arise at trial with an improperly labeled sample. It is also unnecessary to seal the urine container with evidence tape, since the sample is secured inside several layers of sealed packaging. The presence of tape on the urine container itself can create difficulties, such as obscuring the labeling or interfering with post-analysis re-sealing.

Recap of sample collection:

- Ensure that there is sufficient sample, ideally greater than half of the container.
- Check the temperature strip immediately after collection.
- Unscrew and rescrew the cap on the sample to prevent sample leakage.
- Label the sample with subject's name, date and time collected.

It is important to realize that the laboratory has limitations. There are steps you can take to help the laboratory provide you with better service. First, always submit a copy of your DRE face-sheet along with the toxicology sample. This is an important means of communicating with the lab, and can benefit all aspects of the investigation. It not only lets us target our search, but it will also expedite the process so you may get your report more quickly.

If you suspect LSD or inhalants as impairing substances, special precautions must be taken, since the OSP Crime Labs currently do not have the ability to detect these types of drugs. If you suspect LSD, you **MUST** immediately wrap the urine sample in foil and store it in a cool, dark place. If you suspect that a person is impaired by inhalants, then you should attempt to get a blood or urine sample immediately, even prior to the evaluation, if possible. Inhalants are transitory in the system and the sooner a toxicological sample is collected, the better your chances of detection.

As a laboratory, we want to provide the best service and the most accurate results possible. Unfortunately, there are some things we just can not do. We can not test for inhalants or LSD. We also cannot perform a complete analysis if the sample volume is insufficient, due to either deficient collection or leaking.

Recap of laboratory limitations:

- If LSD is suspected, wrap urine in foil and store in cool, dark place.
- If inhalants are suspected, take blood or urine sample immediately.
- Call or email crime lab for a referral to a private laboratory for testing.

Please call the Springfield Crime Lab at 541-726-2590 ext 0 or email jillian.lottridge@state.or.us or lynn.howard@state.or.us at any time if you have questions or need information. You can also reach the Portland Crime Lab at 971-673-8230 or email robert.jones@state.or.us. We will be happy to refer you to a private laboratory that can test your samples for LSD or inhalants. We are also happy to answer any questions you might have.

AQUA DOTS RECALL

U.S. Consumer Product Safety Commission
November 7, 2007

Washington DC – The U.S. Consumer Product Safety Commission, in cooperation with the firm named below, today announced a voluntary recall of the following consumer product. Consumers should stop using recalled products immediately unless otherwise instructed.

Name of Product: Aqua Dots

Units: About 42 million

Distributor: Spin Master, of Toronto, Canada

Hazard: The coating on the beads that causes the beads to stick to each other when water is added contains a chemical that can turn toxic when many are ingested. Children who swallow the beads can become comatose, develop respiratory depression, or have seizures.

Incidents/Injuries: CPSC has received two reports over the past several days of children swallowing Aqua Dots. A 20-month-old child swallowed several dozen beads. He became dizzy and vomited several times before slipping into a comatose state for a period of time, was hospitalized, and has since fully recovered. A second child also vomited and slipped into a comatose state and was hospitalized for five days.

Description: The recalled toy is a craft kit which allows children to create various multi-dimensional designs using small colored beads. The beads fuse together when sprayed with water. The recall applies to all models of Aqua Dots. The product is available in various different kits with accessories such as a drying fan, applicator pen, design templates for the beads, and spray bottle. The product is labeled for ages 4+.

Sold at: Mass merchandisers nationwide from April 2007 through November 2007 for between \$17 and \$30.

Manufactured in: China

Remedy: Consumers should immediately take the recalled toy away from children and contact Spin Master to return for free replacement beads or a toy of equal value.

Also reported by the Chemical and Engineering News on this latest recall is the chemical at the center of the recall is 1,4-butanediol, an industrial solvent

commonly used in the manufacture of other organic chemicals. In the body, 1,4-butanediol is rapidly absorbed and metabolized into γ -hydroxybutyric acid (GHB), commonly referred to as the date-rape drug because of its ability to induce deep sleep. To see the full article visit Chemical and Engineering News website at:

<http://pubs.acs.org/cen/news/85/i46/8546news11.html>



Aqua
Dots

RAW DEAL, STERIOD BUST

There's a new drug enforcement priority that's getting a lot of attention from federal officials. The Drug Enforcement Administration says they've just made the biggest international steroid bust in American history.

"Operation Raw Deal" was an 18-month international investigation. Agents made 124 arrests, including nine in the New York metropolitan area, and seized more than 11 million doses of drugs and \$6 million in cash as they shut down 56 U.S. labs that manufactured steroids and human growth hormones.

Much like methamphetamine, the steroids were manufactured in kitchens, garages, basements and bathrooms.

"The message we want to send to young athletes is that steroids do not open the door to athletic success," said John Gilbride, special agent in charge of the New York DEA, during a press briefing at the DEA's Manhattan headquarters.

"These dangerous drugs slam it shut. These steroids were manufactured under extremely unsanitary conditions. There was no such thing as quality control."

According to officials, none of the defendants are professional athletes.

However Gilbride said investigators are reviewing thousands of e-mails and documents seized in raids to identify the labs' customers.

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Authorities already have learned that some of the customers were bodybuilders.

Once casualty of the raid is track and field star Marion Jones who won three gold medals at the 2000 Olympics in Sydney. She has relinquished her medals and retired from sports.

“We are going over all this information to identify the end users,” Gilbride said. “We have a lot of names of people who purchased steroids.”

Investigators said they spent a year and a half following the trail of raw materials, primarily from China, to labs in the United States.

Authorities described in court documents how manufacturers then used Web sites and Internet chat rooms to market and sell the drugs.

The documents also describe how dealers used Western Union and international bank accounts to conduct financial transactions without being detected.

The international investigation, Operation Raw Deal, included drug agents from Mexico, Germany, Denmark and Thailand.

Operation Raw Deal provides a model for law enforcement agencies and sports federations to work together to flush illegal performance-enhancing drugs from athletics, World Anti-Doping Agency director general David Howman said. “This is not just a U.S. thing,” Howman said. “This is happening in Europe, it’s happening in other places. We need to take a multinational approach.

Information obtained from American Police Beat
November 2007 Volume XIV No. 11

OREGON’S TOUGH METH LAWS MAY HAVE UNINTENDED CONSEQUENCES

Two years ago, Oregon enacted the toughest anti-methamphetamine laws in the country, resulting in the near elimination of local meth labs and meth toxic waste dumps. The supply of meth on Portland, Oregon streets, however, is greater than ever, because of the influx of meth from Mexican drug cartels. The West Linn Tidings reported on Nov. 29.

“In the last year and a half, we’ve seized more meth than we ever have,” said Police Sgt. Ned Walls of Multnomah County Special Investigations

unit. “The quantity of (meth) has gone up significantly.”

Oregon’s legislative changes have unwittingly transformed the underground meth economy, and in some ways is making it more difficult for law enforcement. The good news is that the number of meth labs discovered by law enforcement officials has plummeted from 584 in 2001 to 14 so far this year. In neighboring Washington state, they have discovered 199 this year.

The Mexican drug cartels are smarter and operate in a more businesslike fashion. While not wanting to return to the days of local meth labs, where children were often found neglected, most enforcement officers believe the removal of local competitors to the cartel has increased the supply of meth, says Sgt. Pat Walsh of the Portland Police Bureau’s Drugs and Vice Division.

Despite some success in arresting members of the cartel distribution ring, meth has continued to flow unabated. Low-level dealers arrested in Portland will not turn on their higher-ups in Mexico, for fear that their families will be harmed.

Information obtained from Join Together
November, 20, 2007, News Summary

UPCOMING EVENTS

DUII Multi-Disciplinary Impaired Driving Training Conference – March 14-15, 2008, Bend Riverhouse
<http://www.oregon.gov/ODOT/TS/duiimdc.shtml>

Lifesavers 2008 Conference – April 13-15, 2008, Portland, Oregon, lifesaversconference.org

DRE School – April 29 – May 9, 2008, Oregon Military Academy, Monmouth, Oregon.

DRE Certification Training, June 4-7, 2008, and June 11-14, 2008, ODOT Building, Portland, Oregon.



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**14TH ANNUAL IACP
"Drugs, Alcohol, &
Impaired Driving Conference"**

**August 10 – 12, 2008
Indianapolis, Indiana**

For more information, visit the conference website at www.decp.org