

Witness Testimony Summary: Jennifer Harmon

National statistics show that more than 40% of fatally-injured drivers, that were tested for drugs are positive, nearly the same as those with a positive blood alcohol level. This is certainly the case for the County of Orange, the sixth most populous county in the U.S. The Orange County Crime Laboratory offers comprehensive forensic testing to the County of Orange and all law enforcement entities contained within; over 30 municipal, regional, state, and federal agencies as well as the Orange County District Attorney's Office and the Orange County Sheriff-Coroner, Coroner Division.

For over eight years, our laboratory has worked collaboratively with law enforcement, prosecutorial, and public health partners as well as traffic safety advocates to better toxicological testing, research and training on drugged impaired driving in our county and the state of California. We utilize state of the art technology to comprehensively test apprehended DUI suspect blood samples and fatally-injured drivers, regardless of their tested blood alcohol level.

Our chemical testing methods in Orange County are a mechanism to assist in populating the scientific research and means to collaborate with public health partners on drug impaired driving impacts and solutions. Our testing schemes allow us to collect comprehensive county-wide data on DUI suspects and fatally-injured drivers. To understand the scope of the drug impaired driving problem, comprehensive testing must be obligated by all laboratories conducting toxicology in traffic safety related cases. Orange County's overall goal has been to share information, collaboratively train all stakeholders in the traffic safety system, and to collect data for overall better outcomes and educated traffic safety policy.

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Drug impaired driving is not a new problem on our roadways however it is an ever-increasing one. National statistics show that more than 40% of fatally-injured drivers, that were tested for drugs are positive, nearly the same as those with a positive blood alcohol level. This is certainly the case for the County of Orange, the sixth most populous county in the U.S. My name is Jennifer Harmon and I am an Assistant Director with the Orange County Crime Laboratory located in Santa Ana, California. Our laboratory offers comprehensive forensic testing to the County of Orange and all law enforcement entities contained within; over 30 municipal, regional, state, and federal agencies as well as the Orange County District Attorney's Office and the Orange County Sheriff-Coroner, Coroner Division.

For over 8 years, our laboratory has worked collaboratively with law enforcement, prosecutorial, and public health partners as well as traffic safety advocates to better toxicological testing, research and training on drugged impaired driving in our county and the state of California. We utilize state of the art technology to comprehensively test apprehended DUI suspect blood samples. For nearly a year we have been testing every driver regardless of their blood alcohol level. This is a practice that has been advocated for by the National Safety Council for over 10 years but is still not routine in many public crime labs. Every sample is initially analyzed for alcohol, inhalants, and 7 classifications of drugs, 50 drugs in total. We currently report blood drug concentrations for 72 different compounds. Beginning in August, every traffic safety related case, living or deceased, will be tested for over 300 drugs to include illicit

substances, prescriptions, over the counter medications and new synthetic and designer drugs.

Our chemical testing methods in Orange County are a mechanism to assist in populating the scientific research and means to collaborate with public health partners on drug impaired driving impacts and solutions. As a laboratory we study drug stability, impacts of collection methods, new technology options, including roadside saliva testing, and the correlation of drug levels on field observed impairments. Our testing schemes allow us to collect comprehensive county-wide data on DUI suspects and fatally-injured drivers. Our current county-wide data suggests that 45% of our apprehended DUI drivers test positive for at least one drug other than alcohol and 29% of drivers with blood alcohol levels greater than the legal per se of 0.08% (w/v) are positive for at least one additional drug. 56% of our fatally-injured drivers test positive for at least one drug, nearly half of those include alcohol and, or delta-9-tetrahydrocannabinol, THC, the psychoactive drug found in marijuana. What is additionally alarming is that of our non-alcohol involved traffic related cases that are drug positive, 40% have three or more drugs in their system.

The success of the Orange County model over the last several years has been due to our collaborative efforts with stakeholders. We cross-train our dedicated DUID (driving under the influence of drugs) expert toxicologists with traffic safety law enforcement, prosecutors, and public and private defense counsel. Our experts attend law enforcement training and provide reciprocal training as well. Our team routinely interacts with law enforcements' certified Drug Recognition Experts (DRE) ensuring that their expertise on drug impairments, metabolism, trends, and poly-pharmacy are a

marrying of field observation and scientific theory. It ensures that our law enforcement partners are able to maintain their certifications, validate their in-field, at roadside impairment observations and stay current on emerging drug trends. Law enforcement and toxicology expertise is critical to successful prosecutions of the drug-impaired as Orange County has a 95+% conviction rate on DUID cases. The County also houses the statewide Traffic Safety Resource Prosecutor program (TSRP) which allows for sharing of information at a statewide level.

Crime labs, in general, are severely under-funded especially in the area of forensic toxicology. Our laboratory alone, in the last 8 years, has seen a 60% increase in the number of exams conducted on our toxicology samples, an over 100% increase in the number of DUID cases processed, and a 25% reduction in staffing. However, our county has made a conscience effort to utilize resources as efficiently as possible and ensure high quality testing on every case regardless of the charge or presence of the most commonly encountered substances like alcohol.

To understand the scope of the drug impaired driving problem, comprehensive testing must be obligated by all laboratories conducting toxicology in traffic safety related cases. Orange County's overall goal has been to share information, collaboratively train all stakeholders in the traffic safety system, and to collect data for overall better outcomes and educated traffic safety policy. Knowing the prevalence of the problem will result in better preventative health measures, safer roadways, and improved treatment for the drug-impaired. It also aids in improving forensic drug testing for all types of crime beyond traffic safety including drug-facilitated sexual assault, death investigation and overdose.

For those of us who work in America's crime labs, no day passes without seeing clear evidence that confirms the fact that our nation is in the grips of a drug epidemic. As discussed in my testimony, drugs impact the safety of motorists, but of course the impact goes far beyond our roadways. My colleagues and I appreciate the work Congress has done and continues to do in addressing this problem. Those of us at the local level remain committed to joining you in this worthwhile effort. Thank you for the opportunity to share my perspective on this important topic.