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## Drugged driving

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Prosecutors say 24-year-old Fakir Muhammad Jaffrie of Crystal Lake was high on marijuana when he lost control of his car and hit a tree Sept. 8 in northern Hampshire Township, killing his four passengers.

Although driving under the influence arrests involving alcohol are a vastly more common and well-known threat to public safety, some local experts suggest that the Dietrich Road crash, highlights the significant, and likely under-reported, issue of driving under the influence of drugs.

Consequences of drug DUI arrests were made clear Tuesday in McHenry County Circuit Court when an Iowa man pleaded guilty to aggravated driving under the influence of drugs and was sentenced to eight years in prison. The truck driver's blood tested positive for methamphetamines, cocaine, hydrocodone and marijuana after a fatal Dec. 29 crash in Island Lake that killed a McHenry man.

"The Chicago metropolitan area has one of the highest drug-use rates in the Midwest," former Woodridge police officer and drugged driving expert Bruce Talbot said. "I think the drug-impaired driver poses a great risk to the general public and is not prosecuted to the same degree as the alcohol-impaired driver."

Jaffrie's attorney said his client was not impaired at the time of the fatal crash.

The ongoing criminal case exhibits the often complex task faced by law enforcement in making DUI drug charges stick.

Jaffrie, the sole survivor of the crash, was ticketed after the collision. Days later, he was subsequently charged with reckless homicide and aggravated driving under the influence of drugs after chemical tests performed on his blood and urine tested positive for marijuana, police said.

Jaffrie's attorney, David Camic, says marijuana can stay in the body weeks after it is ingested.

"We expect expert testimony to say that a person with just [marijuana] metabolites in their system is not impaired in any way," Camic said. "That's like charging someone with being under the influence of alcohol when he has hops and barley in his body."

Kane County First Assistant State's Attorney Clint Hull argued at a recent bond-reduction hearing that the toxicology report shows Jaffrie had ingested marijuana hours before the crash. Toxicology expert Michael Evans will testify that based upon the testing, Jaffrie ingested marijuana within six hours of the crash and was impaired as a result, prosecutors said.

The argument illustrates that unlike alcohol, which can be easily tested with a Breathalyzer, police lack an easy roadside test to measure drug impairment. In crashes, that sometimes means law enforcement must use other circumstantial evidence – such as expert testimony – to determine whether a driver was impaired by drugs.

However, some local officers are getting training on how to better identify drugged drivers and build better cases.

Most recently, Talbot, who has dedicated himself to researching and training police on the issue, held a three-day training session in Lake in the Hills with about 25 officers from various area departments.

"Ultimately, you're trying as a patrol officer to keep the street safe and any weapon we have to identify a driver under the influence of any kind of substance is beneficial to our efforts," said officer Lee Lathrop of the Lake in the Hills Police Department.



Authorities say they have fewer options to detect when someone is driving under the influence of drugs. (Photo illustration by Kendra Helmer)

Much of the training dealt with recognizing the physical signs of drug use, such as how certain drugs affect the size and movement of an offender's pupils, Talbot said.

Talbot thinks all street cops should be trained with such basic knowledge. Ideally, each department also would have an officer certified as a drug-recognition expert, he said. The expert could collect blood and urine samples at the police station instead of taking the suspect to an often very busy hospital.

"Many police officers complain it can take them four to six hours to do a blood-urine test [at a hospital]," Talbot said. "[In the] meantime, the body is actively destroying all your evidence."

Statistics are not readily available when it comes to drugged drivers. The National Transportation and Highway Safety Administration has just completed fieldwork on its first major study of the issue and results are not yet available, spokesman Rae Tyson said.

Illinois has a "zero-tolerance" law when charging for driving under the influence of drugs. That means unlike alcohol, where citizens can legally drink some quantity before driving, prosecutors just have to prove a driver had an illegal drug in his or her blood or urine.

But some feel the law is unfair.

"Though someone might test positive for the drug, it might be days after they ingested the drug and well after the drug has worn off," said David Franks, a Lake in the Hills DUI and criminal defense attorney and the former chairman of the Illinois State Bar Association's Traffic Laws and Court Section Council.

Others support the zero-tolerance law as it puts the burden on defendants, not the state, noting that citizens shouldn't be using illegal drugs in the first place.

"I think it's important to have that statute," Hull said.

Area attorneys say that drinking and driving still is the most common form of DUI followed by drivers using a combination of alcohol and illegal drugs. However, with more police training and a continuing drug problem in the Chicago area, the ratio of drug-related DUIs could be shifting.

"The majority [of arrests] are alcohol-related," Franks said, "but we're starting to see more and more drug-related DUI offenses."

## COMMENTS

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