



City Attorney's Office Ready to Prosecute If You Drive After Mixing Drugs, Alcohol

By City Attorney Mara W. Elliott

Witnesses will never forget the accident they saw that July day on Interstate 8. The driver, a man from Chula Vista, swerved across the freeway into the center divider, then back again into traffic, where his car sideswiped a box truck.

The driver was so impaired that he did not realize his vehicle was totaled. Witnesses described him as looking dazed while behind the wheel, and he didn't know whether that was from the accident or the combination of methamphetamine, heroin, other narcotics, and benzodiazepines cycling through his blood system.

Motorists on the road that day were fortunate. The driver survived, and because he didn't injure anyone, he only faced misdemeanor charges.

Still, the consequences were significant. He was sentenced to 30 days in custody, 10 days of public works service, and five years' probation. He was fined \$2,133 and ordered to attend a MADD victim impact panel and participate in a three-month first-conviction program.

In addition, his driver license was suspended for six months. He probably incurred attorney fees and lost wages from court appearances and public works service. If he is driving again, he will pay higher insurance rates.

Impaired driving is all too common in San Diego. And it's a particular problem in summer months, when drunk driving increases.

Did you know that one in every four drivers you encounter on our roads is impaired? Most have been drinking and, increasingly, drivers have both alcohol and drugs in their system.

Recent studies have shown that almost half of all injury accidents in California involve drivers who had used legal or illegal drugs.

My Office is committed to keeping our roads safe by seeking real consequences for impaired drivers before their behavior leads to injury or death. That's why we created a specialized unit, the Drug DUI Prosecution Team, specifically to address vehicular crimes involving drugs and alcohol.

Team members train with the state's Traffic Safety Resource Prosecutor Program to better understand the challenges of prosecuting drug-impaired driving.

Their jobs are complicated by the wide availability of drugs from fentanyl to meth to Xanax and the phenomenon of older drivers with otherwise spotless records regularly driving while under the effects of prescription medicines.

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Having a prescription does not mean you are safe to drive while using it. Our office has prosecuted cases for drivers who have taken:

- painkillers, such as Vicodin or OxyContin;
- antidepressants, such as Prozac and Seroquel;
- stimulants, such as Adderall and Dexedrine; and
- anti-anxiety drugs, such as Valium and Xanax.

Many of these medications can cause drowsiness, and some can lead to aggressive driving. All can affect your reactions and especially when they are mixed with alcohol.

Remember, if it says “Do not operate heavy machinery” on the bottle, that includes driving a two-ton automobile.

These cases are challenging. The legal standard for drunk driving in California is straightforward, blood-alcohol levels over 0.08 percent are illegal for adult drivers. (Any alcohol level is illegal for drivers under 21.)

But what’s the standard when the driver is impaired with a mix of alcohol and, say, marijuana? That’s what our Drug DUI team trains to understand and explain to juries.

Our prosecutors work with officers in the field to assess the driver’s level of impairment through field sobriety tests. In addition, they secure a blood sample to test for levels of drugs and alcohol.

Working with toxicology experts, they explain how combining alcohol with marijuana can be even more dangerous than either alone. Alcohol slows normal brain functions. It also impairs hand-eye coordination. Marijuana combined with alcohol can heighten the effects of both on the body and brain.

All this work has paid off. Almost 100 percent of drivers charged with drug-impaired driving in San Diego over the last five years have been convicted.

To review: Don’t mix alcohol and drugs. If you do, don’t drive. Should you ignore this good advice, we have a specialized team of attorneys prepared to prosecute you to the fullest extent of the law and who have a near-perfect conviction rate. You can lose your license, possibly go to jail, and spend thousands of dollars on your defense and fines.

Keep yourself and others safe. Don’t drink, do drugs, and drive.

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City Attorney Mara W. Elliott
1200 Third Ave., Suite 1620
San Diego, CA 92101
Phone: 619-236-6220
Email: cityattorney@sandiego.gov
www.Sandiego.gov/cityattorney