
ADMINISTRATIVE DIRECTIVE – 112.027
DRUG RECOGNITION EXPERT

EFFECTIVE DATE: December 15, 1998

REVISION DATE: July 30, 2014

REVIEW DATE: July 30, 2015

AFFECTS: All Personnel

I. PURPOSE

The Plano Police Department, in cooperation with the National Highway Traffic Safety Administration (NHTSA), the International Association of Chiefs of Police (IACP), the Texas Commission on Law Enforcement (TCOLE), and Sam Houston State University (SHSU), has established a Drug Evaluation and Classification Program. The program requires the use of Drug Recognition Experts (DREs).

II. POLICY

The purpose of this program is to promote traffic safety in our community through the successful arrest and prosecution of subjects found to be driving while intoxicated by drug(s) other than alcohol or on a combination of a drug(s) and alcohol. The DRE program will also support other investigative needs of the department by performing evaluations on subjects in other law enforcement incidents as appropriate.

III. DEFINITIONS

- A. Drug Recognition Experts –Officers who have successfully completed all phases of the Drug Evaluation and Classification Program's (DECP) training requirements for certification as established by, IACP, NHTSA, SHSU, and TCOLE. This training consists of 72 hours of classroom training and 80 hours of certification training. A DRE is skilled in detecting and identifying persons under the influence of drugs and in identifying the category or categories of drugs causing the impairment. A DRE is qualified to conduct a standardized and systematic evaluation of the subject to determine:
 - 1. If the person is impaired. If so, if the person is able to operate a vehicle safely.
 - 2. If the DRE concludes that the person is impaired, the DRE can determine if the impairment is due to an injury, illness, or other medical complication, or if it is drug-related
 - 3. If the impairment is due to drugs, the DRE can determine the category or combination of categories of drugs that are the most likely source of the impairment.
- B. Drug – As defined by the program, is any substance that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.
- C. Categories of Drugs – As defined by the program, include:
 - 1. Central Nervous System Depressants,
 - 2. Central Nervous System Stimulants,
 - 3. Hallucinogens,
 - 4. Dissociative Anesthetics,
 - 5. Narcotic Analgesics,
 - 6. Inhalants, and
 - 7. Cannabis.

IV. PROCEDURES

- A. Circumstances Requiring DRE Evaluation
 - 1. The DRE will conduct an evaluation only if the subject exhibits signs of intoxication inconsistent with the subject's Blood Alcohol Concentration (BAC), which can be determined through the use of the Intoxilyzer 5000 or a Preliminary Breath Tester (PBT).
 - 2. A DRE may also be called to respond in some cases, which do not involve a driving offense. Some examples of such cases include a drug possession case where the DRE's opinion may

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help establish an affirmative link, or in any law enforcement incident where establishing the nature of a subject's impairment is helpful to an investigation.

- a. Due to the specialized training received by each DRE, response to such a call shall be at the discretion of the DRE.
- b. The call-out of an off-duty DRE in such cases shall be at the discretion of the watch commander on-duty.

B. Process

1. The arresting officer shall transport the subject, who has been arrested for DWI or a related offense, to the Plano City Jail Intoxilyzer Room.

Note: If the subject is a juvenile or a youthful offender, then the booking area must first be cleared of any adult prisoners.

2. The officer shall follow SOP 201.012 and attempt to obtain a breath specimen from the subject to determine the BAC. However, if the officer has already used a PBT and determined that the subject's BAC is below 0.08, the officer should request a blood specimen. If the subject refuses a specimen, the officer shall comply with SOP 201.012 and prepare a search warrant for a blood specimen.
3. If the BAC indicated by the Intoxilyzer 5000 is below .08 or the subject refuses the breath test, and the arresting officer reasonably believes the subject to be intoxicated by drug(s) other than alcohol:
 - a. The arresting officer shall request a blood specimen from the subject. If the subject consents to a blood specimen, the officer shall follow SOP 201.012 and obtain a consensual blood sample. If the subject refuses, the officer shall follow SOP 201.012 and prepare a search warrant for a blood specimen.
 - b. After obtaining consent or refusal for a blood specimen, the officer shall ask the subject to consent to a DRE evaluation. If possible, the request should be made while the subject is being audio-visually recorded, and the interview process should be completed.
 - c. If the subject agrees to participate in a DRE evaluation, the arresting officer shall request that a DRE respond to the jail.
 - d. If the subject refuses to participate in a DRE evaluation, refer to SOP 201.012 and Booking Procedures for DWI Arrests.
 - e. If a DRE is not immediately available, the arresting officer will request a supervisor to call-out an off-duty DRE.
 - (1) If the supervisor believes a DRE call-out is justified, communications personnel will be instructed to notify the on-call DRE. If the on-call DRE cannot be reached, other DREs may also be contacted to determine if s/he is available for the call-out.
 - (2) In most cases, an off-duty DRE will not be called to respond if the subject is charged only with an offense which is a Class C Misdemeanor, or if the BAC is .08 or higher. Exceptions may be made at the discretion of the watch commander on-duty. Exceptions may include a felony DWI-related offense where the subject's BAC exceeds 0.08, but intoxication is believed to be exacerbated by a drug or combination of drugs in the subject's system.

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- (3) If no Plano DRE is available, the on-duty watch commander may allow a DRE from another agency to be contacted and potentially respond at the discretion of that DRE and his/her agency.
 - (4) If no DRE is available, refer to SOP 201.012 for Arrest and Booking Procedures for DWI Arrests.
- 4. While the DRE is enroute, the arresting officer should complete an "Arresting Officer Interview."
- 5. Upon arrival, the DRE will conduct a preliminary examination of the subject to determine if signs of intoxication exist, which justify an evaluation. If the subject has refused the breath test, then the DRE may use a PBT, if available, to determine the subject's BAC.
- 6. As part of the evaluation, the DRE may request a consensual urine specimen from the subject. If the subject consents, the specimen will be collected using one of the specimen containers, which are available in the Intoxilyzer Rooms.

Note: A urine specimen requested from a DRE is for evidentiary purposes only and is not related to the Implied Consent statutes. The DRE, in consultation with the arresting officer, will ensure that all efforts to obtain blood from the subject have been properly exhausted.
- 7. To obtain the urine specimen:
 - a. The subject, **if adult**, shall be thoroughly searched per jail procedures then escorted to the restroom in the secured area of the jail by the DRE and a detention officer.
 - b. If the subject is a **youthful offender**, they **will not** enter the secured area of the jail, but will be escorted to the restroom in Intoxilyzer Room #2. If the subject is a juvenile, they will be escorted to the juvenile offices suite by the DRE and another officer or detention officer.
 - c. The DRE will:
 - (1) Witness the subject give the urine specimen,
 - (2) Seal the container, and
 - (3) Maintain chain of custody of the urine specimen.

Note: If the DRE is not of the same sex as the subject, then he shall request the assistance of an officer or detention officer who is of the same sex as the subject to obtain the urine specimen. The DRE will ensure the chain of custody has been properly documented.
- 8. The urine specimen container shall be properly marked as evidence by the DRE and then placed into a sealed, initialed evidence bag. The bag will be labeled "DRE" and will identify the drug(s) or category(s) of drug(s) suspected, as defined by the program.
- 9. The DRE will escort the subject to one of the Intoxilyzer Rooms located on the first floor of the jail. The DRE evaluation shall be recorded in the Intoxilyzer Room.
- 10. The evaluation will be conducted by a minimum of two (2) officers, preferably two DRE's.
- 11. The DRE will ensure the subject has been advised of the Miranda warnings prior to proceeding with the evaluation. If the subject has refused to waive the rights set out in the warnings or has asked for an attorney, then the interview portion of the evaluation will not be completed.
- 12. Following the evaluation:

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- a. If the DRE believes the subject to be intoxicated:
 - (1) The subject, **if an adult**, will then be taken into custody by the jail staff.
 - (2) The subject, **if a juvenile**, will then be taken into custody by the arresting officer and processed per Administrative Directive 112.005.
- b. If the DRE believes the subject is not intoxicated, then the arresting officer will be notified and a supervisor will be requested to respond.

Note: A supervisor may authorize the release of any subject where the evidence fails to support a charge of DWI.

- 13. The DRE conducting the evaluation will complete a Drug Influence Evaluation report, which will be submitted as a supplement to the arresting officer's DWI arrest report.
- 14. A copy of the report will be provided to the jail staff and the original will be sent to Records. The DRE will keep a copy and submit a copy to the agency DRE coordinator who will maintain a permanent file for each DRE in the Department.
- 15. The DRE will also complete an evidence analysis request for the urine specimen, if one was obtained. The request will be labeled "DRE", and the charge reflected will be that which the basis for the DRE evaluation was. The DRE will place the sealed evidence bag with the urine specimen and the evidence analysis request into the evidence refrigerator at the police department property room. Property personnel will take custody of the urine specimen and submit it to the Southwestern Institute of Forensic Sciences at Dallas (SWIFS) for analysis.

DREs are trained to identify the category or categories of drug(s) that a suspect is believed to be impaired on. Often, the DRE will have a basis of what specific drug(s) may be suspected in a particular case. When blood samples are obtained as evidence in these cases, the Texas Department of Public Safety's Crime Lab (TXDPS) is very capable of identifying drugs in the sample. However, there are cases where the DRE is not confident as to the specific drug(s) that may be causing the observed impairment. In these cases, the DRE may request that a blood specimen be analyzed by SWIFS rather than by TXDPS. SWIFS is capable of detecting a significantly broader array of drugs on the initial drug screen than is TXDPS. In these limited cases, DRE discretion to have the blood specimen analyzed by SWIFS creates a higher probability of recovering evidence. Should the DRE want the blood specimen to be analyzed by SWIFS, the following specific procedures will be followed:

- a. The DRE, in consultation with the arresting officer, will ensure that a valid blood specimen is obtained from the suspect.
 - b. The DRE will submit an evidence analysis request and indicate that the blood specimen should be analyzed by SWIFS for the presence of drugs.
 - c. The DRE will email the DRE Coordinator and the Property/Evidence Unit Supervisor advising that a blood specimen has been submitted to be analyzed by SWIFS. The DRE will include the file number and a concise reason as to why the DRE believes analysis by SWIFS is necessary.
 - d. The DRE Coordinator will approve or deny the request. If the request is denied, the specimen will be routed to TXDPS for analysis as usual.
- 16. The arresting officer will complete the evidence report, listing the urine specimen as evidence, and will maintain chain of custody of other property to be logged as evidence.

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17. The arresting officer will complete the DWI arrest report and attach all required forms, including the "Arresting Officer Interview" supplemental report.

C. DRE Evaluations for Other Agencies

1. The Plano Police Department DREs may assist surrounding jurisdictions by conducting a DRE evaluation related to a crash investigation with approval of the Watch Commander.