



TIVERTON POLICE DEPARTMENT

GENERAL ORDERS

Subject: Drug Recognition Experts (DRE's)		General Order Number: 330.11
Section: 300- Law Enforcement Operations		Subsection: 30- Traffic
Amends/Supersedes:		
Effective Date: 09/05/2019	Revised Date:	Review Date: As Needed
Per Order Of: Patrick W. Jones, Chief of Police		
RIPAC:		
Distribution: Sworn Department Members		

NOTE: This written directive is for the internal governance of the Tiverton Police Department, and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

I. PURPOSE

The Tiverton Police Department, in cooperation with the National Highway Traffic Safety Administration (NHTSA), the International Association of Chiefs of Police (IACP), the Rhode Island Police Chiefs Association and the Rhode Island Municipal Police Academy has established a Drug Evaluation and Classification (DEC) Program. The program spells out the process for use of Drug Recognition Expert (DRE).

II. POLICY

It is the policy of the Tiverton Police Department to promote public safety within the state/city/town through the successful detection, arrest and prosecution of persons found to be driving while impaired by drug(s) and/or alcohol.

III. DEFINITIONS

- A. Drug Recognition Experts – Officers who have successfully completed the NHTSA/IACP approved Drug Evaluation and Classification (DEC) Training Program, as required by the standards set forth for the DEC Program by NHTSA and IACP. A DRE, amongst other things, is qualified to conduct a standardized and systematic evaluation of an individual to determine:
1. If the subject exhibits signs of intoxication;
 2. If those signs are caused by drug(s) or by some other problem, such as an illness or injury, and;
 3. If the subject is intoxicated by the introduction of drug(s) into his/her system;

4. Determine the broad category/categories of drug(s) which are likely to have caused such intoxication.
- B. Drug – As defined by the Drug Evaluation and Classification Program, is any substance which, when taken into the human body, can impair the ability of the person to safely operate a vehicle.

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
7. Cannabis

NOTE: As a general rule, DRE evaluations are usually post arrest and conducted at the police station or at a hospital not at the scene of the arrest/crash.

IV. PROCEDURES

- A. Circumstances which could warrant a DRE Evaluation;
1. A DRE shall be called upon in the event of an arrest for Driving While Intoxicated (DWI) under the influence of Drugs.
 2. A DRE shall be called in for a fatal and/or serious bodily injury motor vehicle crash, whether or not impairment by any operator is readily apparent. This is optional.
 3. A DRE shall be called in for any high profile crash/stop.
 4. A DRE should be called in any time where 'drug impaired driving' expertise is needed in determining impairment of any individual.
 5. The DRE will conduct an evaluation if the subject exhibits signs of intoxication inconsistent with the subject's Blood Alcohol Concentration (BAC), when determined through the use of an approved breath testing device (Intoxilyzer 9000 or an approved Preliminary Breath Testing (PBT) device), or if impairment exists, and the subject refuses or unable to take a breath test.
 6. A DRE may be called in and/or called out, any other time his/her expertise could be of value to the department with an ongoing investigation.
 7. A DRE may be called in when the crime committed is a Felony and expertise is needed in determining impairment of the individual.
- B. Process
1. The arresting officer shall transport the subject, who has been arrested for DWI or a related offense to headquarters.
NOTE: If the subject is a juvenile, then the area must first be cleared of any adult prisoners.
 2. The officer shall attempt to obtain a breath sample from the subject to determine the Blood Alcohol Concentration (BAC).
 3. If the suspects BAC level (less than .08%), indicated by the Intoxilyzer 5000/9000 or other breath testing device, is inconsistent with the suspect's observable level of impairment, a DRE may be called in. If no DRE is

available, the arresting officer shall request a blood test be performed per Rhode Island General Law 31-27-2.1, or if the subject refuses the breath test, and/or the arresting officer reasonably believes the subject to be intoxicated by drug(s) other than alcohol:

- a. The arresting officer shall request the subject to consent to a DRE evaluation.

NOTE: Refusal to consent to a DRE evaluation does not constitute a refusal under the Rhode Island General Laws Implied Consent statute.

- b. If the subject agrees, the arresting officer may then request that a DRE respond to the police station, if one is on-duty and available.
- c. If the subject refuses, the DRE may still respond, and make any observations that may assist him/her in any investigation relating to the case.

NOTE: It is the arresting officer who requests a blood test – not the DRE. The DRE is only present for an evaluation.

- d. If a DRE is not available, the arresting officer will request the subject provide a blood sample after reading the suspect his/her rights for use at hospital.
 - e. If the Patrol Shift Officer in Charge (OIC) believes a DRE call-out is justified, Communications Center Personnel will be instructed to notify the on-call DRE from any Rhode Island Police Department.
- NOTE: An example of an inconsistent BAC would be a breath sample below .08% and the suspect exhibits obvious signs of impairment which would warrant a greater BAC reading.

4. While the DRE is in route, the arresting officer should complete an 'Arresting Officer Interview' supplemental report, so that the officer can document pertinent information as well as assist the DRE with the drug evaluation process.

5. Upon arrival, the DRE will proceed with the accepted procedures and protocol necessary for his/her investigation.

6. Following the evaluation:

- a. If in the DRE's opinion the subject is impaired:
 - 1) The subject, if an adult, will be handled as per department policy.
 - 2) The subject, if a juvenile, will be handled as per department policy, and all applicable juvenile laws and procedures.
- b. If the DRE decides that the subject is not impaired, then the arresting officer will be notified and a supervisor will be requested to respond.

NOTE: The OIC may authorize the release of any subject where the evidence fails to support a charge of DWI. However, there may be times when the DRE's opinion that a subject is not impaired at the time of the evaluation, but probable cause exists that the subject was impaired at the time of the motor vehicle stop

or crash, and then the subject shall be held, and the suspect will be charged with DWI.

7. Toxicology Samples
 - a. As part of the DRE's evaluation, a blood sample is requested from the subject. This includes, but is not limited to, blood.
 - b. Blood will be drawn at medical facility only.
 - c. A blood sample is taken strictly on a voluntary basis with the subject giving the police consent to obtain such a sample, unless other circumstances justify such taking (Example: In a death or serious bodily injury resulting from a crash, a search warrant shall be issued by a judge).
8. Toxicology Handling and Chain of Custody:
 - a. Any officer handling any body fluids shall take universal precautions (Example; Latex/vinyl gloves). Once a sample has been obtained from the subject, it will be sealed in the proper container(s), along with the proper paperwork from the DRE, and placed into evidence.
 - b. Body fluid samples must be stored in a refrigerator until transported to the Department of Health, Toxicology Lab for testing, unless circumstances exist which would make this improbable. If refrigeration is not available, the sample(s) shall be stored in a cool secure place in the station.
 - c. Chain of custody is of the utmost concern, and department's chain of custody policies shall be followed.
9. DRE Forms:
 - a. The DRE is familiar with the proper forms to complete, and after completion of the evaluation and the "face sheet", the DRE will give a copy of the face sheet to the arresting officer, who shall make this part of the arrest paperwork.
 - b. DREs will complete a full narrative report, and provide a copy to the department as soon as reasonably practical.
10. The arresting officer will complete the evidence report, listing the toxicology specimen as evidence, and will maintain chain of custody of other property to be logged as evidence.
11. The arresting officer will complete the DWI arrest report and attach all required forms, including any required forms / reports/ narratives.

V. DRE CALL OUT PROCEDURES

- A. The OIC shall attempt to contact a DRE from this department prior to utilizing the DRE call out list.
- B. A DRE call out list will be maintained by the Rhode Island DRE Coordinator and forwarded to each Chief of Police.
- C. Each DRE will be notified well in advance of their call out status.
- D. Each police department will receive a list of the on call DRE's.
- E. Every attempt will be made to call upon a DRE already on duty, if available.

- F. Only the OIC or designee of the requesting police department can authorize a DRE call out.
- G. Off-duty DRE's called out will submit an overtime voucher which will be paid by the Office on Highway Safety, and drawn down from the individual DRE's police department, utilizing RIPTIDE grant funds.
- H. Any police department, regardless if they have a certified DRE or not, can utilize the statewide DRE call out list.

VI. PROCEDURES FOR CERTIFICATION AS A DRUG RECOGNITION EXPERT AND/OR DRUG RECOGNITION EXPERT

- A. Procedures for acceptance into Drug Recognition Expert Program.
 - 1. Complete DRE Application.
 - 2. Secure a letter of recommendation from Chief of Police.
 - 3. Interview before Rhode Island SFST Advisory Committee.
 - 4. Successfully complete ARIDE Course.
 - 5. Submit Resume.
 - 6. Agreement to commit to the DRE Program for a minimum of three (3) years.
- B. The DRE School: Listed below are the basic requirements to complete DRE School.
 - 1. Successfully complete two (2) day pre-DRE School.
 - 2. Successfully complete seven (7) day DRE School.
 - 3. Successfully complete field evaluation (usually in Arizona).
- C. DRE Instructor School: Listed below are the requirements for certification as a DRE Instructor.
 - 1. Must be an active DRE.
 - 2. Secure a letter of recommendation from Chief of Police.
 - 3. Successfully complete forty (40) hour DRE Instructor School.
 - a. Prior DRE Instructor must complete three (3) day Instructor School.
 - b. SFST Instructors must complete three (3) day Instructor School.
 - 4. Teach a minimum of eight (8) hours at a DRE School.
 - 5. Witness a DRE Evaluation where the suspected drug is verified via toxicological report.
 - 6. Witness a DRE Evaluation while being observed by another certified DRE Instructor.
 - 7. Agree to mentor other DRE's as they work toward re-certification (every two (2) years).

VII. PROCEDURES FOR DRE RECERTIFICATION

- A. The recertification program for the DRE requires the following:
 - 1. Complete eight (8) hour in-service DRE training every twenty-four (24) months.
 - 2. Submit an updated rolling log to the state DRE Coordinator every twenty-four (24) months or when significant entries exist before the anniversary date.

3. Submit an updated resume to the state DRE Coordinator every twenty-four (24) months or when significant change(s) occur.
 4. Complete four (4) DRE evaluations in a twenty-four (24) month period. One (1) of the four (4) evaluations must be witnessed by a DRE Instructor and a back-up toxicological report indicating the drug impairing the motorist.
- B. De-certifications:
1. Any DRE who has not completed the requirements as stated in VII (above) will be de-certified one year from the certification date.
 2. Any DRE who is de-certified for more than one (1) year but less than five (5) years must complete procedures in VII (above) and must complete the 100 question DRE written test.
 3. Any DRE who is de-certified for more than one (1) year but less than five (5) years and who has not passed the written test, may complete the course review and submit it to the state DRE Coordinator or to the regional DRE Coordinator or any DRE Instructor. These individuals will review the document, for accuracy, at which time – if all the criteria has been satisfied, the DRE will be re-certified.
 4. Individual officers Police Chief will be notified prior to any DRE's de-certification.