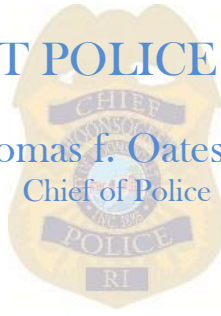


WOONSOCKET POLICE DEPARTMENT

Thomas J. Oates, III
Chief of Police



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	330.09	1/19/2021	1/24/2021
SUBJECT		PREVIOUSLY ISSUED DATES	
Drug Recognition Experts		6/1/2015	
ACCREDITATION		RE-EVALUATION DATE	
CALEA Standards: 61.1.5, 61.1.10, 61.1.11, 61.2.1 RIPAC Standards: 11.4, 11.6		12/24/2020, 1/9/2023	
INDEX		DISTRIBUTION	
Traffic		Sworn Personnel	

DRUG RECOGNITION EXPERTS

I. PURPOSE

The Woonsocket 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 Experts (DRE).

II. POLICY

RI 11.4(a) It is the policy of the Woonsocket Police Department to promote public safety within the city through the successful detection, arrest, and prosecution of persons found to be driving while impaired by drug(s) and/or alcohol.

III. DEFINITIONS

Drug Recognition Experts: Officers who have 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:

- If the subject exhibits signs of impairment;

- If those signs are caused by a drug(s) or by some other problem, such as an illness or injury;
- If the subject is impaired by the introduction of a drug(s) into their system; and
- Determine the broad category/categories of any drug(s) which are likely to have caused such intoxication.

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.

Categories of Drugs: As defined by the program, include:

- Central Nervous System Depressants;
- Central Nervous System Stimulants;
- Hallucinogens;
- Dissociative Anesthetics;
- Narcotic Analgesics;
- Inhalants; and
- Cannabis.

IV. PROCEDURES

A. Circumstances Requiring DRE Evaluation

1. As a rule, DRE evaluations are usually post-arrest and conducted at the police station or a hospital not at the scene of the arrest/crash.
2. A DRE shall be called upon in the event of an arrest for Driving Under the Influence (DUI) of Drugs.
3. A DRE should be called in for a fatal and/or serious bodily injury motor vehicle crash, whether impairment by any operator is readily apparent.
4. A DRE should be called in for any high-profile crash/stop.
5. A DRE should be called at any time where 'drug-impaired driving' expertise is needed in determining the impairment of any individual.
6. The DRE will conduct an evaluation if the subject exhibits signs of impairment 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 cannot take a breath test.
7. A DRE may be called in and/or called out any other time their expertise could be of value to the department for an ongoing investigation.

B. Process

1. The arresting officer shall transport the subject, who has been arrested for DUI or a related offense, to headquarters. 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). This may be done roadside with the use of a Portable Breath Test (PBT).
3. If the suspect's BAC level (less than .08%), indicated by the Intoxilyzer 9000 or other breath testing device, is inconsistent with the suspect's observable level of impairment, a DRE shall be called in. If no DRE is available, the 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. 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 them in any investigation relating to the case.
 - d. If a DRE is not available, the arresting officer will request the subject provide a blood sample after reading the suspect their rights for use at the hospital.
 - e. If the supervisor believes a DRE call-out is justified, Communications Center personnel will be instructed to notify the on-call DRE. 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 en 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 their 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.

1) A supervisor may authorize the release of any subject where the evidence fails to support a charge of DUI. 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. The suspect shall then be held and charged with DUI.

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. A blood sample is taken strictly voluntarily with the subject giving the police consent to obtain such a sample unless other circumstances justify such taking (Example: In 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 (e.g. Latex/vinyl gloves). Once a sample has been obtained from the subject, it will be sealed in the proper container(s) and placed into the evidence refrigerator located in the Temporary Evidence Storage Area.

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 the department's chain of custody procedures 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 a chain of custody of other property to be logged as evidence.

11. The arresting officer will complete the DUI arrest report and attach all required forms including any required forms, reports, and narratives.

C. DRE Call out procedures:

1. A DRE call out list will be maintained by the Rhode Island DRE Coordinator.
2. Each DRE will be notified well in advance of their call-out status.
3. Each police department will receive a list of the on-call DRE's.
4. Every attempt will be made to call upon a DRE already on duty, if available.
5. Only the Officer-in-Charge (OIC), or designee, of the requesting police department, can authorize a DRE Call out.
6. Off-duty DREs called out will submit an overtime voucher which will be paid by the Office on Highway Safety thru the individual DRE's police departments utilizing RIPTIDE grant funds.

D. Procedures for certification as a Drug Recognition Expert and/or Drug Recognition Expert Instructor.

1. Procedures for acceptance into the Drug Recognition Expert Program:

- a. Complete ARIDE;
- b. Complete Application;
- c. Letter of recommendation from Chief of Police;
- d. Interview; and
- e. Submit Resume.

2. The DRE School: Listed below are the basic requirements to complete DRE School

- a. Complete three (3) day pre-DRE School;
- b. Complete seven (7) day DRE School; and
- c. Complete field evaluation.

3. DRE Instructor School: Listed below are the requirements for certification as a DRE Instructor.

- a. Active DRE;
- b. Letter of recommendation from Chief of Police;
- c. Complete forty (40) hour DRE Instructor School;

- 1) Prior DRE Instructor must complete three (3) day Instructor School
- 2) SFST Instructors must complete three (3) day Instructor School

- d. Teach a minimum of eight (8) hours at a DRE School;

- e. Witness a DRE Evaluation where the evaluation is verified via toxicological report indicating the suspect drug was correctly chosen after the field evaluation; and
- f. Witness the DRE Evaluation while being observed by another certified DRE Instructor.

E. Procedures for DRE recertification.

1. The recertification program for the DRE requires the following:
 - a. Complete eight (8) hour in-service DRE training every twenty-four (24) months;
 - b. Submit an updated rolling log to the state DRE Coordinator every twenty-four (24) months or when significant entries exist before the anniversary date;
 - c. Submit an updated resume to the state DRE Coordinator every 24 months or when significant change(s) occur; and
 - d. 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 suspect drug impairing the motorist resulted in a positive reading.

F. De-certifications

1. Any DRE who has not completed the requirements as stated in Section E (above) will be de-certified one year from the certification date.
2. Any DRE who is decertified for more than one (1) year but less than five (5) years must complete procedures in Section E (above) and must complete the DRE written test.
3. Any DRE who is decertified 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 the regional DRE Coordinator or any DRE Instructor. These individuals will review the document for accuracy, at which time – if all the criteria have been satisfied, the DRE will be certified.

Per order,

Thomas F. Oates, III

Chief of Police

Written directives published within PowerDMS are in full force and effect on the referenced dates and have been approved by the Chief of Police