

MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> DRUG RECOGNITION EXPERTS		
<i>Effective Date:</i> 6/8/2017	<i>Original Date:</i> 12/01/2005	<i>Next Review:</i> 6/8/2019
<i>Chapter</i> 10	<i>Policy #</i> 10.50	<i>Distribution:</i>
<i>References:</i>		

I. Purpose

The purpose of this policy is to establish guidelines to utilize the training and expertise of the department's Drug Recognition Experts (DRE).

II. Policy

It is encouraged that a DRE be utilized to enhance any drug-related investigation considered a felony (including criminal possession, possession for sales, transporting, etc), and serious injury or fatal crashes, particularly where DUI or related offenses may be involved. Such enhancement may help to establish whether a direct link exists between the suspect and the drug(s) seized.

III. Definitions

Drug Evaluation and Classification (DEC) Program: The nationally recognized and regulated drug influence training program.

Drug Recognition Expert (DRE): An individual who has successfully completed all phases of training requirements for certification established by the International Association of Chiefs of Police and the National Highway Traffic Safety Administration.

Standardized Field Sobriety Test (SFST): The Standardized Field Sobriety Tests include three tests that were developed and validated through a series of controlled experiments supported by research grants from NHTSA. The three tests include Horizontal Gaze Nystagmus (HGN); Walk and Turn (WAT); and One Leg Stand (OLS).

Blood/Breath Alcohol Concentration (BAC): The concentration of alcohol in a person as measured by blood or breath.

Drug: (As defined by NHTSA in regards to the DEC program): Any substance which, when taken into the human body, can affect the person's ability to operate a vehicle safely.

Rule-out: A determination made by a DRE that an individual's impairment is other than drug related (i.e. medical).

Agency Coordinator: The person designated within each department or agency responsible for maintaining program records, ensuring maintenance of program standards

and conducting training and certification sessions within the agency. Responsibility for this function may rest with one individual, in the case of a small or closely coordinated effort, or may be decentralized among several people throughout the agency. If there is no designated agency coordinator, the appropriate DRE coordinator shall be the state coordinator.

State Coordinator: In each of the states in which the Drug Evaluation and Classification Program has been implemented under the auspices of the National Highway Traffic Safety Administration, an individual has been designated to act as the statewide coordinator for the DEC Program. The duties of the position generally include but are not limited to:

1. Acting as an information clearinghouse and central communication point for the program within the state.
2. Assisting in coordinating training and other support activities for all agencies participating in the program within the state.
3. Coordinating the assignment of instructors in response to requests for service from federal and other sources.

IV. Procedures

A. DUI

1. The officer should begin the investigation and administer the Standardized Field Sobriety Test (SFST) battery and preliminary alcohol screening test (PAST).
2. If the results of the SFST and/or other observed impairment is not consistent with the results of the PAST and the results of the breath test are below .08 BAC, the investigating officer should request a DRE.
3. The officer will make the arrest decision based on the observed impairment, unless unusual circumstances exist; at which time the officer may request a DRE.
4. Once a DRE is notified he will determine whether to respond to the scene or have the arresting officer transport the arrestee to the police station or detention center for the drug evaluation.
5. When the DRE begins the twelve step drug evaluation, the arresting officer shall remain on scene and is ultimately responsible for the arrestee.
6. When the evaluation is complete, the DRE will notify the arresting officer of their opinion and complete their portion of the report before leaving. The only exception would be if the evaluation resulted in a "rule-out", or no drug impairment, determination by the DRE and the arrestee is released or remains in custody on charges other than DUI or any drug-related offense. Regardless, the DRE will complete a DR report on the evaluation.
7. The shift commander may notify or request a DRE for any other purpose or investigation they deem necessary to establish whether drug influence is present.

8. It is recommended that a DRE be called to interview and/or conduct an evaluation on surviving driver(s) involved in serious injury or fatal traffic collisions.

V. Reporting

- A. Every drug evaluation shall be documented on a Drug Influence Evaluation Report face sheet provided by the police department regardless of whether the DRE determines the subject is under the influence of a drug or a rule-out. The narrative shall be completed in the template provided in the Information Manager.
- B. The DRE shall also complete a DR report whether or not the evaluation is for enforcement purposes, as a report is necessary to place evidence (blood/urine) into property.
- C. The original Drug Influence Report shall then be attached to the DR report, and two additional copies made.
 1. One copy of the evaluation report should be included with the DRE's rolling log.
 2. The other copy shall be given to the Agency Coordinator to be entered into the National DRE Tracking System.
- D. Both completed reports shall be reviewed by the DRE Agency Coordinator.

VI. Evidence Collection

- A. MCA §61-8-404(1)(a) states that "evidence of any amount or detected presence of alcohol, drugs, or a combination of alcohol and drugs in the person at the time of a test, as shown by an analysis of the person's blood or breath, is admissible."
 1. For the purpose of DUI-drug enforcement, a blood test shall be offered for the toxicology confirmation.
 2. A urine test is permissible for any other purpose to confirm the presence of any drug(s) in the person.
- B. All evidence as part of a drug evaluation shall be handled and preserved in accordance with department policy and practice.

VII. Training, Certification and Re-Certification

- A. Each candidate DRE must adhere to the requirements established by the IACP and set forth in "The International Standards of the Drug Evaluation and Classification Program."
 1. These requirements shall include selection, training and certification.
- B. Each DRE shall maintain the requirements as set forth in The International Standards of the Drug Evaluation and Classification Program.

1. These requirements include drug evaluations, education, and presentation of updated documentation.

VIII. Availability, Notification and Call-Out

- A.** DRE-trained officers possess exclusive training and knowledge that is an asset to many investigations. Every effort should be used to utilize a DRE on duty at the time of the incident. However, if no DRE is on shift, the shift commander may consult with a DRE at home or request a DRE respond.
- B.** The types of cases that need DRE consideration include, but are not limited to, felony drug offenses, serious injury or fatal crashes, crashes where it is suspected the driver is under the influence of drugs and criminal cases where drug influence is an issue.
 1. The supervisor should take into consideration the normal shift of the DRE, as well as any vacation or time-off concerns.
 2. If the DRE responds, he/she shall be compensated from the time of the notification, in accordance with the MPA Collective Bargaining Agreement.
 3. Montana Highway Patrol has trained DREs in the Missoula area who may also be available to assist.
- C.** The same considerations and efforts shall be made for any other law enforcement agency that requests a DRE to assist in an investigation, so long as the request is made through the shift commander.